In The Matter Of:

United States vs.
PFC Bradley E. Manning

Vol. 4

June 10, 2013

UNOFFICIAL DRAFT - 6/10/13 Morning Session

Provided by Freedom of the Press Foundation

1

1   VOLUME IV

2   IN THE UNITED STATES ARMY

3

4   UNITED STATES

5   VS.

6   MANNING, Bradley E., PFC   COURT-MARTIAL

7   U.S. Army, xxx-xx-9504

8   Headquarters and Headquarters Company,

9   U.S. Army Garrison,

10   Joint Base Myer-Henderson Hall,

11   Fort Myer, VA 22211

12   _____/

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15   The Hearing in the above-entitled matter was

16   held on Monday, June 10, 2013, at 9:30 a.m., at

17   Fort Meade, Maryland, before the Honorable Colonel

18   Denise Lind, Judge.

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1   DISCLAIMER

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3   This transcript was made by a court

4   reporter who is not the official Government reporter,

5   was not permitted to be in the actual courtroom where

6   the proceedings took place, but in a media room

7   listening to and watching live audio/video feed, not

8   permitted to make an audio backup recording for

9   editing purposes, and not having the ability to

10 control the proceedings in order to produce an

11 accurate verbatim transcript.

12

13   This unedited, uncertified draft

14 transcript may contain court reporting outlines that

15 are not translated, notes made by the reporter for

16 editing purposes, misspelled terms and names, word

17 combinations that do not make sense, and missing

18 testimony or colloquy due to being inaudible to the

19 reporter.

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 1   APPEARANCES:

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 3            ON BEHALF OF THE GOVERNMENT:

 4                CAPTAIN JOSEPH MORROW

 5                MAJOR ASHDEN FEIN

 6                CAPTAIN HUNTER WHYTE

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 8            ON BEHALF OF THE ACCUSED:

 9                DAVID COOMBS

10                MAJOR THOMAS HURLEY

11                CAPTAIN JOSHUA TOOMAN

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 1                    PROCEEDINGS,

 2          THE COURT:  Court is called to order.  Mr. Fein,

 3  please account for the parties.

 4          MR. FEIN:  Your Honor, all parties present when the

 5  court last recessed are again present with the following

 6  exceptions:  Mr. Robert Shaw, court reporter's absence; Mr.

 7  Chavez, court reporter who is present previously; Captain

 8  Overgaard is absent, and Captain Morrow and Captain Whyte are

 9  present.

10          THE COURT:  All right.  Thank you.

11          Let's begin with any housekeeping.  Have we had

12  anything marked as an appellate exhibit, as a defense exhibit

13  or a prosecution exhibit?

14          MR. FEIN:  Yes, ma'am.  A moment.

15          Your Honor, first the parties agreed to a

16  stipulation of expected testimony from Mr. Steven Buchanan,

17  dated 9 June 2013 and this has been marked as prosecution

18  exhibit 69 for identification.

19          THE COURT:  All right.  PFC Manning, do you have a

20  copy of prosecution exhibit 69?

21          THE ACCUSED:  Yes, Your Honor.
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1   THE COURT: And we have had this discussion on other

2 stipulations of expected testimony and will have this

3 discussion probably several times again I believe in the

4 course of this court-martial, but with this particular

5 stipulation of a Mr. Steven Buchanan dated 9 June 2013, it

6 consists of four pages. Is that your signature on the last

7 page?

8   THE ACCUSED: Yes, ma'am.

9   THE COURT: Before signing this stipulation did you

10 read it thoroughly.

11   THE ACCUSED: I did, Your Honor.

12   THE COURT: Do you agree with the contents of the

13 stipulation?

14   THE ACCUSED: Yes, ma'am.

15   THE COURT: Before signing this stipulation, did

16 your defense counsel explain the stipulation to you?

17   THE ACCUSED: Yes, ma'am.

18   THE COURT: Do you have any questions about the

19 stipulation?

20   THE ACCUSED: No, Your Honor.

21   THE COURT: Do you understand that you have an

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 1  absolute right to refuse to stipulate to the contents of this
 2  document?
 3          THE ACCUSED:  I do, Your Honor.
 4          THE COURT:  Do you understand you should enter into
 5  this stipulation only if you believe it's in your best
 6  interest to do that?
 7          THE ACCUSED:  Yes, Your Honor.
 8          THE COURT:  And once again, I want you to understand
 9  how this stipulation is going to be used.  It's a stipulation
10  of expected testimony, and what that means is when counsel
11  for both sides and you agree to a stipulation of expected
12  testimony, you are agreeing that if Mr. Steven Buchanan were
13  here in court sitting on the witness stand and under oath
14  that Mr. Buchanan would testify substantially as to what is
15  in this stipulation of expected testimony?
16          THE ACCUSED:  Yes, Your Honor.
17          THE COURT:  And his testimony can be contradicted,
18  attacked or explained the same way as if he was testifying
19  here live in court, and you're not admitting to the truth of
20  the person's testimony?
21          THE ACCUSED:  Yes, ma'am.
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     1   THE COURT: And knowing what I told you and what

     2   your defense counsel earlier told you about this stipulation,

     3   do you still want to enter into this stipulation of expected

     4   testimony?

     5   THE ACCUSED: Yes, ma'am.

     6   THE COURT: Counsel for both sides agree to the

     7   stipulation and its content?

     8   MR. FEIN: Yes, ma'am.

     9   MR. HURLEY: Yes, ma'am.

    10   THE COURT: Prosecution exhibit 69 is admitted.

    11   MR. FEIN: Your Honor, also on 5 June 2013 what has

    12   been marked as appellate exhibit 564, United States filed its

    13   witness list order and proposed stipulations for the

    14   prosecution witnesses for the remainder of the government's

    15   case in chief.

    16   THE COURT: All right. As I understand it, the

    17   parties are still working on some of those stipulations?

    18   MR. FEIN: Yes, ma'am. Although there are many

    19   stipulations that are annotated by both parties on this

    20   filing, we are working and probably the next recess we'll

    21   have many more of these signed and ready for the court to go

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 1   over with the accused.
 2           MR. COOMBS:  Ma'am, as part of the 802 session we
 3   discussed if the government were to add anyone on to this
 4   list they would give the defense a 24 hour notice.
 5           MR. FEIN:  Yes, ma'am.  And the United States
 6   acknowledges that.
 7           THE COURT:  All right.  Any other housekeeping
 8   matters?
 9           MR. FEIN:  Yes, ma'am.
10           Ma'am, as of this morning the media operations
11   center consists of 11 journalists and two stenographers.  The
12   theater is not currently being used.  And the overflow
13   trailer is also not currently being used although available
14   and up to 30 seats.
15           THE COURT:  All right.  And once again, for the
16   record, up to this point in time of the trial have any
17   members of the public been specifically excluded based on the
18   court's order?
19           MR. FEIN:  No, ma'am.
20           THE COURT:  All right.  Thank you.  Does defense
21   have any reason to disagree?
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1   MR. COOMBS: No, Your Honor.

2   THE COURT: Any other matters for housekeeping?

3   MR. FEIN: No, ma'am.

4   MR. COOMBS: No, Your Honor.

5   THE COURT: All right. The government proposed

6   trial schedule plan, I announced at the beginning of the

7   trial that we would try it out for a week and see how it

8   worked. We had a little fluctuation last week because we

9   recessed early, but that's at appellate exhibit 551. There

10 was no defense objection. The court will approve that

11 proposed trial plan, it certainly may be modified as we go

12 along depending on necessity, but for now it provides a good

13 rough schedule on how we will proceed, usually starting 0930

14 in the morning, ending approximately at 5:30 or six o'clock

15 at night depending on the status of the particular witness

16 who is on the stand.

17   Any issues with appellate exhibit 551?

18   MR. COOMBS: No, Your Honor.

19   MR. FEIN: No, ma'am.

20   THE COURT: All right. Next we have appellate

21 exhibit 563 and, for the record, counsel and I entered into a

1   RCM 802 conference this morning. Once again, that's a

2   conference where I discuss scheduling and logistics that

3   arise in cases. One of the issues that came up was any

4   change that came up to the government's witness list that Mr.

5   Coombs has already mentioned.

6   Another was appellate exhibit 563 which is the

7   request from the Freedom of the Press Foundation that was

8   addressed to myself and Major General Linnington who is the

9   commander of the United States Military District of

10   Washington with respect to credentialing two stenographers

11   to, an overlap of two stenographers to report, to create an

12   unofficial transcript of this trial which they intend to

13   broadcast that will be available to all media outlets and the

14   public is what this letter tells me. Mr. Coombs advised me

15   that the defense would like to comment.

16   MR. COOMBS: Yes, Your Honor. Just briefly.

17   We believe that this enforces PFC Manning's Sixth

18   Amendment right to a public trial and also impacts on a First

19   Amendment right for the press to accurately keep track of

20   what happens in the court-martial. Our understanding is that

21   the government now is assuring that the stenographers will

 1 have access during non-peak times, and then during peak times

 2 they are looking into whether they'll have access at the MOC

 3 or not. It appears that regardless of whether it's peak or

 4 non-peak they're going to be given an access pass instead of

 5 credential passes.

 6   And then I know that we still have an outstanding

 7 issue on whether or not the government can accommodate the

 8 requests to have one of the stenographers come in at 0700 and

 9 another come in during the afternoon session to where we

10 don't have a requirement for both of the stenographers to be

11 present the entire day.

12   THE COURT: All right. Major Fein, would you like

13 to be heard?

14   MR. FEIN: Ma'am, the United States after the RCM

15 802 and based off of questions defense has asked owes the

16 court and defense some answers to questions. One is can the

17 overflow trailer be used as an area for a stenographer versus

18 the media operations center and, second, the logistics of

19 actually having an individual escorted on or off post and

20 we'll get both those questions answered today, Your Honor.

21   THE COURT: All right. Thank you.

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 1            Just for the record, while the court is not
 2   interested in getting into the area of who is credentialed
 3   and who isn't credentialed as it's beyond the scope of this
 4   trial, the court does note and so advised the parties in the
 5   RCM 802 that rules of court-martial are not structured to
 6   provide a contemporaneous transcript of proceedings.  In
 7   light of the public interest in this case, in light of the
 8   unique circumstances of this case, in light of the assertion
 9   by PFC Manning that this stenographer procedure will further
10   his rights to a Sixth Amendment right to a public trial and
11   also obviously further the public's First Amendment right to
12   a public trial, the court has ordered the government to
13   arrive at some kind of accommodation to allow stenography of
14   the proceedings of this trial and the creation of, I guess
15   what their intent is an unofficial transcript, certainly not
16   an official transcript, the government's not doing it.  So
17   the government's in the process of making that arise.  And
18   just for the record, this rule or this guidance of the court
19   can always be reconsidered should there be a violation of the
20   rules of court with respect to audio broadcasting or visual
21   broadcasting once these procedures are put into place.
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 1          Does either side desire to address this issue any

 2  further?

 3          MR. FEIN:  No, Your Honor.

 4          MR. COOMBS:  No, ma'am.

 5          Ma'am, before we go on, could we please correct one

 6  exhibit for the record?

 7          THE COURT:  Certainly.

 8          MR. FEIN:  Earlier the court when discussing the

 9  government's proposed trial schedule plan referenced

10  appellate exhibit 551.  The actual proposed trial schedule

11  plan is 553 Alpha.

12          THE COURT:  All right.  Does the defense agree?

13          MR. COOMBS:  I'll have to take Major Fein's word for

14  it, ma'am, I don't have the appellate exhibits in front of

15  me.

16          THE COURT:  All right.  553 Alpha and that's the

17  government's proposed trial schedule dated 21 May 2013, is

18  that correct?

19          MR. FEIN:  Yes, Your Honor.

20          THE COURT:  Okay.  That's the court's mistake.

21          The court is prepared to rule on the request for
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1 public access or in the alternative motion to intervene to

2 vindicate right to public access. On 3 June 2013 the court

3 received appellate exhibit 558 of a proposed motion to

4 intervene under rules for court-martial, 806A, B and C by

5 three individuals who are not parties to the trial. Neither

6 the government nor the defense have moved to file appellate

7 exhibit 558 as a motion with the court.

8   Findings. One. The proceedings have been open to

9 the public since the start of the trial. The court has made

10 particularized findings as required by 806B with respect to

11 those portions of the trial that must be closed to protect,

12 appellate exhibit 550.

13   Two. Neither the court nor anyone acting pursuant

14 to order of the court has specifically excluded any person

15 from observing the proceedings either in court or in a

16 designated overflow area.

17   Three. Reasonable policies and procedures for media

18 registration and credentialing have been established and

19 published by the Military District of Washington as set forth

20 in appellate exhibit 561.

21   Four. 806C prohibits photography and broadcasting

1 to include audio and video recording.

2   Five. The two parties to this trial are the United

3 States and PFC Manning. Unless authorized by the rules for

4 court-martial, or in special circumstances recognized by the

5 Court of Appeals for the Armed Forces, only parties to the

6 trial have standing to file motions to be considered by this

7 court. ABC Inc. versus Powell, Court of Appeals for the

8 Armed Forces, 1997.

9   Ruling. The court declines to consider appellate

10 exhibit 558 as it is from three individuals who are not

11 parties to the trial and who under the circumstances lack

12 standing to file a motion with the court.

13   I'll have this marked as the next appellate exhibit

14 in line.

15   Is there anything else we need to address at this

16 point before going forward with the merits of the trial?

17   MR. COOMBS: No, Your Honor.

18   MR. FEIN: No, Your Honor.

19   THE COURT: Government, proceed.

20   MR. FEIN: Ma'am, the United States offers Mr.

21 Buchanan's stipulation to be read into the record.

 1   THE COURT: Proceed.

 2   MR. FEIN: Stipulation of expected testimony of Mr.

 3 Steven Buchanan, 9 June 2013.

 4   It is hereby agreed by the accused, defense counsel

 5 and trial counsel that if Mr. Steven Buchanan were present to

 6 testify during the merits and presentencing phases of this

 7 court-martial he would testify substantially as follows:

 8   I work as a contractor for the National Security

 9 Agency, NSA. I provide support to Intelink. Intelink is a

10 software suite operating on U.S. government private networks

11 which provides Internet-like services to enable collaboration

12 between intelligence agencies within the United States

13 government.

14   Primarily it includes a web-based search engine of

15 unclassified, secret and top secret information systems. It

16 hosts blogs and allows for messaging, sharing files and

17 searching for unclassified, secret and top secret information

18 across agencies, to include Intellipedia for online

19 collaboration and passport account management.

20   In my current position I provide security for

21 Intelink and serve as the assurance IA manager. This means I

1   make sure the systems work as intended. I work to make sure

2   the systems are properly maintained and guard against their

3   misuse. I have worked in this role for five years.

4   Prior to holding my current position from 1999 to

5   2008 I was an information systems security engineer for

6   Intelink. In this position I made sure the systems are built

7   correctly to perform their intended connection, search and

8   storage functions. Before that I worked in systems support

9   within the intelligent community, IC. In total I have worked

10 in the IA industry supporting different industries in the IC

11 since 1985.

12   I have two primary IA and information systems

13 certifications -- excuse me -- certifications. First, I am a

14 certified information systems security professional, CISSP.

15 This means I've heightened experience in the knowledge of

16 information security. CISSP is a globally recognized

17 standard of achievement that confirms an individual's

18 knowledge in the field of information security. This

19 training covers all parts of information security including

20 personnel and building securities aspects.

21   CISSP indicates that an individual has attained

1   specialized knowledge in the field of IA in accordance with

2   standards articulated and in Department of Defense Direct

3   Live.

4   In addition to CISSP I also have the information

5   technology infrastructure library, ITIL, foundation

6   certification. ITIL is the most widely adopted framework for

7   IT service management in the world. ITIL provides a

8   framework on technology systems management, particularly on

9   how to build information management systems and manage them

10 with a specific process.

11   In my role as an IA manager for Intelink, I am

12 familiar with the audit logs created by Intelink. The

13 Intelink maintains mansion and stores audit data through the

14 course of its day to day operations. This data be can be

15 used to respond to and monitor and maintain Intelink usage

16 and performance. These logs are created anytime anyone makes

17 a connection with a computer system.

18   The system detects these connections with SERS,

19 tracking the work station making the request of the system,

20 how requests route through the system, and where the request

21 ultimately gets the information. These connection logs are

1 made in real-time and stored in data files every hour. They

2 are computer generated and only a very limited number of

3 people have access to them.

4   Intelink logs contain audit data captured from proxy

5 servers that control access to Intelink servers and shows the

6 work of users in systems that connect to and use the Intelink

7 services while in a classified and unclassified network.

8   We know that Intelink logs are accurate for several

9 reasons: First, they write to a secure server; second, only

10 limited personnel have access to them; third, they are

11 reviewed by our team at least on a weekly basis to insure

12 that the reporting processes are occurring properly, meaning

13 to insure that the log data is being written properly.

14   The log data is useful to us because it shows us how

15 our services are being used, whether Intelink services are

16 running properly and whether adjustments should be made.

17   We can also use the data to solve technical issues,

18 determine security risks and review data trends that help us

19 develop our management strategies.

20   We can tell if there are errors because information

21 the logs normally collect would be missing. If a data file

1 has been corrupted while being written, it would not open.

2 Missing or corrupt -- missing or corrupt data files are

3 regenerated from the system, so in short the data these

4 systems logs have captured is complete and accurate.

5   I am involved in this case because we received a

6 request to pull Intelink audit logs given Intelink could have

7 been used to gather information that was ultimately

8 compromised.

9   At that time we did not track users by log-in

10 identifiers. Instead, we tracked usage by IP address. One

11 of the log data requests was from the secret or -- excuse me,

12 ma'am -- secure Internet protocol routing network, SIPRNET,

13 IP address 22 dot 225 dot 41 dot 22 and 22 dot 225 dot 41 dot

14 40 from October 2009 to June 2010.

15   Intelink audit logs are stored on a Linux based

16 system. To pull the requested log I performed a Linux search

17 on the server. This means that I issued a line command

18 telling the server what information I wanted to read. When

19 the system returns the data, the system writes the data to a

20 file.

21   In reviewing the files returned I could find no

1   relevant information in the data files for October 2009 or

2   June 2010. However, there was activity recorded for the

3   relevant IP addresses for the months November 2009 through

4   and including May 2010.

5   I double-checked to make sure there was no activity

6   from the relevant IP addresses during October of 2009, and

7   then ran the search again to verify the results.

8   The results of the second search match the results

9   of my original search. The results are saved automatically

10 as a dot TXT file so they are readable to the person running

11 the query. When I received the response to my IP data query,

12 I opened the file to make sure it was readable and that all

13 the data had been reported properly. I did not alter the

14 file in any way.

15   I burned the file to a CD and then turned it over to

16 Special Agent Mark Mander with Army CID. These logs are on

17 the CDs marked prosecution exhibit 61 for identification.

18 The file names on Intelink logs I have attested to showing

19 activity for IP addresses 22 dot 225 dot 41 dot 22 are the

20 following: J F 10 underscore 22 dot log, M A N 10 underscore

21 22 dot text, and M D 09 underscore 22 dot log.

1   The file names of the Interlink logs that I attested

2   to showing activity for IP address 22 dot 225 dot 41 dot 40

3   are the following: J F 10 underscore 40 dot log, M A N 10

4   underscore 40 dot TXT, N V 09 underscore 40 dot log.

5   The file J F 10 underscore 22 dot log contains audit

6   logs capturing data for the 22 dot 225 dot 41 dot 22 IP

7   address in January and February 2010.

8   The file M A N 10 underscore 22 dot text contains

9   audit logs capturing activity for the 22 dot 225 dot 41 dot

10 22 IP address in March, April and May 2010.

11   The file N K 09 underscore 22 dot log contains audit

12 logs capturing activity for the 22 dot 225 dot 41 dot 22 IP

13 address in November and December 2009.

14   I used the same file name structure to capture the

15 contents of the audit logs associated with the 22 dot 225 dot

16 41 dot 40 IP address.

17   The particular log data I captured reported several

18 things. I will use the following discrete line data to show

19 by way of example to show what the Intelink logs mean.

20   Excuse me, Your Honor.

21   22 dot 225 dot 41 dot 40. 29 slash November slash

1   2009 colon 05 colon 10 colon plus 000, end bracket, quotation

2   D E T slash Intelink dot W I P dot I S M C dot S gov dot gov

3   slash web resource dot A X D question mark D equals A Z 7 K D

4   R R C Q C L TV 13 Z G P 21 N Q 2 and T equals

5   6336277576757031205 space H T T P slash 1.1, end quote, space

6   200 space 6665, quotation mark, H T T P colon slash slash W W

7   W dot Intelink dot S gov dot gov slash A S P X question mark

8   Q equals H D Q A, end quote, space, quote, mozilla slash 5.0

9   percent 20, open parentheses, Windows semicolon -- excuse me,

10   Your Honor -- percent, 20 U semicolon percent 20 Windows

11   percent 20 NT percent 20 dot 1 semicolon percent 20 E N dash

12   U S semicolon percent twenty R V colon 1.9.1.2, end

13   parentheses, percent 20 gecko slash 20090729 percent 20

14   Firefox slash 3.5.2, end quote, space, quote, dash, quote.

15   Excuse me, Your Honor. Hyphen, not dash.

16   Paragraph eight. The significance of the above line

17   that was pulled from Intelink is the following: The 22 dot

18   225 dot 41 dot 40 is the IP address. This indicates that a

19   computer with the IP address made the request for

20   information. Essentially it provides an electronic location

21   for the user using Intelink.

1   The 29 slash November slash 2009 colon 04 colon 10

2   colon 50 ten plus 0000 is a date time group. The time zone

3   is reflected as the offset from the Greenwich Mean Time, GMT.

4   In this case plus 0000 shows no offset.

5   The next entry is the action the user took. In this

6   case, for example, you see, you see quote, get, end quote.

7   This commands indicates the user is seeking particular

8   information on SIPRNET through Intelink. The action reflects

9   the user checking on something in the website.

10   The next entry is the page being requested by the

11   action above. Here it is, quote, slash Intelink W W I P dot

12   S I M C dot gov dash A X D question mark D equals A Z 7 K D C

13   C C L T V 13 Z G P 21 N Q 2 and T equals 63362776 -- excuse

14   me. Your Honor, I'll repeat this number --

15   633627756757031250 space H T T P slash 1.1, end quote.

16   Intelink W I P dot M I S C dot gov is the registered name for

17   Intelink which is on the SIPRNET, a secret government system.

18   The code of numbers for all -- excuse me -- for the

19   information tells you whether the user's request was

20   successful and to what degree. For example, the code, quote,

21   200, end quote, after particular information indicates that

1   an Internet home page, H T T P, was successfully accessed.

2   The quote, 6665, end quote, is the size in bytes of the

3   information returned by the query. The entry H T T P colon

4   slash W W W slash search default S S A S P X Q equals tells

5   me the user searched for the term, quote, H D Q A on

6   Intelink.

7   In this entry, quote, search, end quote, is a

8   specific Intelink service used and, quote, Q equals H D Q A,

9   end quote, represents the search query entered into the

10 search box on the Intelink web page on the specific computer

11 with the IP address listed above.

12   The entry, quote, mozilla slash 5.0, end quote,

13 tells me the user of the SIPRNET computer with an IT address

14 of dot 40 was using verse five of the mozilla Internet

15 browser. Mozilla is a company that produced Internet browser

16 software similar to Microsoft Explorer. The entry 20

17 indicates a space in the line. The entry, quote, Windows

18 semicolon percent 20 U semicolon percent 20 windows percent

19 20 N T percent 205.1 semicolon percent 20 E N-U S semicolon

20 20 R V colon 1.9.1.6 close parenthesis, end quote, tells me

21 the user of the SIPRNET computer with an IP address of 22 dot

 1 | 225 dot 41 dot 40 was using a Windows NT work station

 2 | computer.

 3 | The entry, quote, percent 20 gecko slash 20090729

 4 | percent 20 Firefox 3 slash 5.2, end quote, tells me that the

 5 | user of the SIPRNET computer with an IP address of dot 40 was

 6 | using a version of the Firefox Internet browser version

 7 | number 3.5.2. Firefox is a specific name of the Internet web

 8 | browser program produced by the mozilla company.

 9 | These Intelink logs only audit what happens on the

10 | Intelink system, so it can only tell you what a particular

11 | user IP address was doing when connected with the Intelink

12 | system. It would reveal Intellipedia searches and other ways

13 | the user's IP address used Intelink searches by showing what

14 | files within Intelink that IP address accessed.

15 | At the time users were not required to have Intelink

16 | passport accounts to use most Intelink services, including

17 | the SIPRNET Internet search and browsing. A SIPRNET Intelink

18 | passport account is a user name and password account

19 | established to allow access to some government websites. It

20 | is one of the many applications Intelink uses on its own

21 | internal systems to track what a user accesses. A user would

1   need an account if he wanted to contribute to Intelink

2   services or access certain websites or databases on SIPRNET,

3   but not just to conduct searches.

4   To create an account a user would have to be on the

5   SIPRNET, go to the account creation page and insert personal

6   information such as name, contact and organizational

7   information. The user is then notified via SIPRNET email

8   with a code to use the first time he accesses the site.

9   Other government organizations or websites and databases on

10 SIPRNET use SIPRNET Intelink passport accounts before any

11 user may access their information on SIPRNET.

12   Our Intelink organization maintains and stores

13 Intelink account passport profiles and registered Intelink

14 users. In a response to a request by Army CID I looked

15 Bradley Manning up in our system. Someone with the name,

16 quote, Manning, comma, Bradley, space, E, end quote, did have

17 an account. The user name of the individual was, quote,

18 Bradley dot E dot Manning end quote. According to the user

19 account, Bradley dot E dot Manning, his pay rate was E 4 and

20 used an email address of Bradley dot Manning at U.S. dot Army

21 dot mil. The user name is automatically generated based on a

1   common name used by the individual setting up the account.

2   The user information identifies each identifying factor such

3   as name, contact information security questions and answers

4   the user inputs into the system at the time of the account

5   creation.

6   According to the passport account, the last time the

7   user logged in was 27 April 2010 at 1805 and 46 seconds Zulu

8   time. According to the passport account the registration

9   date was 11 October 2008. The password account information

10   is marked as P C 62 for identification. I signed an

11   attestation on 22 June 2012, Bates number 00505257, attesting

12   to the authenticity of what have been marked as PE 61 and PE

13   62 for identification and are the provided logs in the

14   Intelink password account information for Bradley dot E dot

15   Manning contained in the file Manning dot LDIV.

16   Your Honor, the United States moves to admit

17   prosecution exhibits 61 and 62 for identification as

18   prosecution exhibits 61 and 62.

19   MR. HURLEY: No objection, ma'am.

20   THE COURT: All right. Is prosecution exhibit 61 a

21   CD?

1   MR. FEIN: Your Honor, two CDs, CD one of two and

2   two of two. And 62 is a printout.

3   Your Honor, may I have a quick moment?

4   THE COURT: Yes.

5   All right. Prosecution exhibits 61 and 62 are

6   admitted.

7   Handing it back to the court reporter. Government,

8   are you ready to proceed?

9   MR. FEIN: Yes, ma'am.

10   MR. MORROW: Your Honor, the United States recalls

11 Special Agent David Shaver.

12 Whereupon:

13   DAVID SHAVER,

14 called as a witness, having been previously duly sworn

15 according to law, testified as follows:

16   DIRECT EXAMINATION

17 BY MR. MORROW:

18   Q.   Special Agent Shaver, you are still under oath.

19   A.   Yes, sir.

20   Q.   Agent Shaver, I want to begin by talking about some

21 SIPRNET Intelink logs collected as part of this case, but

```
 1   first I need to ask a few preliminary questions.
 2            Did you examine any SIPRNET computers associated
 3   with PFC Manning as part of this investigation?
 4       A.   Yes, sir, I did.
 5       Q.   And what were the IP addresses of those computers?
 6       A.   They were ending in dot 22 and dot 40.
 7       Q.   And again for the record, what is an IP address?
 8       A.   That's like a telephone number for a computer.
 9       Q.   And are you familiar with Intelink?
10       A.   Yes, sir, I am.
11       Q.   And what is Intelink?
12       A.   It's Google of the SIPRNET.
13       Q.   And did you examine any logs collected from the
14   SIPRNET Intelink site in this case?
15       A.   Yes, sir, I did.
16       Q.   And what did those logs contain generally?
17       A.   They generally contained the source IP, the computer
18   making the request, date and time of the request and some of
19   the search list.
20       Q.   Now, were the Intelink logs you examined all of
21   Intelink or just associated with a particular IP?
```

1   A.   They were just associated with dot 22 and dot 40.

2   Q.   And what time period roughly did the logs cover?

3   A.   November 2009 to May 2010.

4   Q.   And why was that time period collected as part of
5 this case?

6   A.   Sir, that's when PFC Manning was in theater.

7   Q.   When you received the log files, what do you do; do
8 you work off that copy or do you work off another copy?

9   A.   Sir, for ease of review for this case I took them
10 and converted them to an Excel spreadsheet for ease of
11 review.

12   Q.   Okay. So let's just back up a little bit though.
13 In what form did you receive the log files?

14   A.   They were text files.

15   Q.   And what is a text file?

16   A.   Sir, it's just, just raw text, unformatted.

17   Q.   And so what did you do once you found or at least
18 opened the files and they were text files, what did you do
19 next?

20   A.   I imported them into Excel.

21   Q.   And generally why do log files come to you in text,

1   is that standard?

2   A.   Yes, sir, generally.

3   Q.   And why is that?

4   A.   Sir, just for ease of transferring information

5   between one -- for review and ease of transferring the data

6   from one computer to another. Text is a common format for

7   that.

8   Q.   And when you received the log files and text, if you

9   had printed those text files -- first let me ask this

10   question. Was it one big file or several small file files?

11   A.   There are several smaller files.

12   Q.   If you had printed just one of those files,

13   approximately how many pages would that have come out to?

14   A.   Quite a lot. Maybe a hundred or so, if not more.

15   Q.   And that's just for one log file?

16   A.   Yes, sir.

17   Q.   Now, you said you converted these text files into

18   Excel?

19   A.   Yes, sir.

20   Q.   And once they were converted, if you had printed

21   that entire log sheet essentially or all the logs for the

```
 1   time period, how many pages are we talking about?
 2        A.   A lot.  Several hundred, if not more.
 3        Q.   And in your line of work, do you regularly transfer
 4   text files from just the raw data format to Excel?
 5        A.   Yes, sir.
 6        Q.   And is that a difficult process?
 7        A.   No, sir.
 8        Q.   And when you transfer the information from text to
 9   the Excel spreadsheet, did you alter the information in any
10   way?
11        A.   No, sir.
12        Q.   All right.  So let's talk about the logs in the
13   Excel format.  Once you had them in that format, what did you
14   do next?
15        A.   I wanted to determine since this is Google
16   basically, I wanted to determine what keywords were used,
17   what was, what keywords were entered and what was searched.
18        Q.   And how do you determine based on looking at the
19   logs what searches were made from these computers?
20        A.   What I did is I went to Intelink on my SIPRNET
21   computer and I did some keyword searches and then I requested
```

1   my Intelink logs from my SIPRNET computer.

2   Q.   Now, when you say you requested your Intelink logs,

3   did you have to go somewhere else to ask for --

4   A.   I had to put a request in.

5   THE COURT: Just a moment. Yes.

6   MR. TOOMAN: Your Honor, if the government would

7   like to introduce the logs that Agent Shaver made, the

8   defense will stipulate to that.

9   THE COURT: You are laying a foundation?

10   MR. MORROW: I need to explain to the court

11 essentially what they are.

12   THE COURT: That's fine. Go ahead.

13 BY MR. MORROW:

14   Q.   So, again, the process of finding a search?

15   A.   Yes, sir. So I found the keywords that I searched

16 for and then I went to the logs and determined there's a

17 specific pattern that predates before the search, so once I

18 figured out what the pattern is, the keyword followed it and

19 I filtered it off of that.

20   Q.   So you used the pattern to then filter off the logs

21 that you had already collected?

1   A.   Correct.

2   Q.   And once you had that pattern identified into the

3 raw logs essentially, what did you do next?

4   A.   I extracted all the keywords out as a separate tab

5 on the Excel spreadsheet and then I started looking at what

6 keywords were entered.

7   Q.   I am retrieving prosecution exhibit 81 for

8 identification from the court reporter.

9   Agent Shaver, if I could have you move to the panel

10 box, please.

11   A.   Yes, sir.

12   MR. MORROW: Your Honor, this exhibit already been

13 shown to defense.

14   THE COURT: All right. Thank you. I notice Captain

15 Tooman nodding his head.

16   MR. TOOMAN: Yes, ma'am.

17 BY MR. MORROW:

18   Q.   I am handing the witness what has been marked as

19 prosecution exhibit 81 for identification.

20   Agent Shaver, if you could just take a moment and

21 look that you that, please.

1   Agent Shaver, do you recognize that document?

2   A.   Yes, sir, I do.

3   Q.   And what is it?

4   A.   Sir, this is the keywords, the spreadsheet that I

5   created that contains the keywords.

6   Q.   When you say keywords, again, what does that mean?

7   What kind of activity is that capturing from the Intelink

8   logs?

9   A.   Sir, if you went to the Intelink, it's a website,

10   you would put a keyword in, cat, dog, it would log that, the

11   word cat, and that's what I did was I pulled out those

12   individual searches. So you, again, this is go to the

13   website, you put in a keyword and hit enter.

14   Q.   And, Agent Shaver, did you create that document?

15   A.   Yes, sir.

16   Q.   And, again, is that an accurate summary of all of

17   the Intelink searches on the SIPRNET from these two user

18   accounts?

19   A.   Yes, sir. The two computers, sir.

20   Q.   Dot 22 and dot 40?

21   A.   Yes, sir.

1   Q.   And when you extracted the searches from the full

2 logs, did you alter the information in any way?

3   A.   I extracted out the information, but I did not alter

4 them.

5   MR. MORROW: Your Honor, at this time the

6 prosecution moves to admit prosecution exhibit 81 for

7 identification into evidence.

8   MR. TOOMAN: No objection, Your Honor.

9   THE COURT: Can I see it, please?

10   Prosecution exhibit 81 for identification is

11 admitted.

12   MR. MORROW: I'm going to hand the exhibit back to

13 the witness to ask a few questions.

14 BY MR. MORROW:

15   Q.   Agent Shaver, can you generally just describe the

16 information and the columns just, you know, the headers

17 essentially left to right.

18   A.   Sure. Yes, sir. The first field would be a number

19 field, that's something I put in there to make it easier so

20 you can reference the number.

21   The next field is IP address.

1   The next field is the date and time.

2   The next field is the time zone.

3   And the action, the keyword that was entered.

4   Q.   Now, when you say date, I'm sorry, when you say date

5 and time, what do you mean by that, the date and time some

6 word was searched?

7   A.   Yes.

8   Q.   And when was the first search by either one of those

9 computers?

10   A.   It would be 10 November 2009.

11   Q.   And when was the last search?

12   A.   7 May 2010.

13   Q.   And I want to talk about -- actually, first, let me

14 just ask this question. When was the first search for

15 WikiLeaks in that summer?

16   A.   1 December 2009.

17   Q.   And are there any other searches based on your

18 review of those searches that you thought were of interest to

19 the investigation that were odd in any way?

20   A.   Yes, sir. There were several that were odd,

21 searches for things like Iceland and Julian Assange, they

1 seemed out of place.

2   Q.   And why do you say that?

3   A.   Sir, it is my understanding these computers were at

4 FOB Hammer Iraq and should have been focused on events in and

5 around FOB Hammer Iraq.

6   Q.   Thank you. I'm retrieving prosecution exhibit 81.

7   Agent Shaver, you can move back to the witness box.

8 Thank you.

9   Agent Shaver, I want to talk about some of the

10 searches for WikiLeaks and where they led on the SIPRNET.

11 What happens when the user at one of the IP addresses

12 searches through what comes back in the log?

13   A.   There would be some search hits. If the user then

14 clicks on log files or clicks on a link, it will show that

15 link that has been clicked and things of that nature.

16   Q.   Now, in this case at least for these SIPRNET logs,

17 does the activity after the search, is that always captured?

18   A.   No, sir.

19   Q.   And why would sometimes there be gaps, sir?

20   A.   If the user went to a web page, entered Intelink,

21 entered a search term and it was directed to a new web page,

1 in essence they're now on that web server, no longer part of

2 the Intelink world.

3   Q.   Okay. I'm retrieving what's been marked as

4 prosecution exhibit 45 for identification.

5   THE COURT: Captain Tooman?

6   MR. TOOMAN: I'm just standing up to look, Your

7 Honor.

8 BY MR. MORROW:

9   Q.   I'm handing the witness what has been marked as

10 prosecution exhibit 45 for identification.

11   Agent Shaver, just take a look at that, please.

12   Do you recognize that document?

13   A.   Yes, sir, I do.

14   Q.   And what is it?

15   A.   It's the Army Counter Intelligence Center report on

16 WikiLeaks.

17   Q.   And was this document accessible via the SIPRNET?

18   A.   Yes, sir.

19   Q.   And based on your review of the Intelink logs, did

20 any searches for WikiLeaks lead to the discovery or the

21 access of this document on the SIPRNET?

 1   A.   Yes, sir.

 2   Q.   And how did you go about identifying this particular

 3 document in the Intelink logs?

 4   A.   This document was provided to me for examination to

 5 compare against a document that was released by WikiLeaks,

 6 and the original document that was provided to me a unique

 7 name was provided.

 8   Q.   So it wasn't titled at least whatever the title of

 9 the document was?

10   A.   No, sir.

11   Q.   Do you recall what the title was?

12   A.   It started with R B O 8 and there were some numbers

13 after that.

14   Q.   Okay. I am retrieving prosecution exhibit 45 for ID

15 from the witness and I am retrieving, again, prosecution

16 exhibit 84 for identification from the court reporter.

17   I am handing the witness what has been marked as

18 prosecution exhibit 84 for identification to the witness.

19   Agent Shaver, do you recognize that document?

20   A.   Yes, sir, I do.

21   Q.   And what is it?

```
 1       A.   This is another document I created based upon the
 2  searches for the R B document from the Intelink logs.
 3       Q.   So what does that document show essentially?
 4       A.   It shows four different times in which the IP dot 40
 5  viewed or attempted to view the R B document.
 6       Q.   Okay.  I'm retrieving -- first can we publish this
 7  to the court, Your Honor?
 8            THE COURT:  Proceed.
 9  BY MR. MORROW:
10       Q.   Agent Shaver, I want to start with line one.  Can
11  you just describe for the court the activity, the action on
12  the very far right, please?
13       A.   Yes, sir.  You see the last -- how do you clear it?
14       Q.   Don't worry about that.
15       A.   The line I've managed to -- there you go.  Thank
16  you, sir.
17            The last line there you see it says H T T P W W W
18  Intelink S dot gov search default, Q equals WikiLeaks, that
19  was the search query for this, the search terms WikiLeaks was
20  used, and these are the, the result was this document.  And
21  if, again, if you look at that third from the bottom it says
```

1   the address, dot north dot Army not smil dot mil, a little

2   further down you see the document itself, R B 0 8 dot A S T

3   P, and a little further to the right you see where it was 200

4   and then there's numbers at the end. 200 means it's

5   successful, this document was viewed.

6   Q.   And what's a dot A S P?

7   A.   That's like a web page.

8   Q.   In lines 2, 3 and 4, do you see the, is there also a

9   successful access in those cases?

10   A.   No, sir. The 302, it's a redirect, so at this time

11   if they clicked on that link looking for that specific

12   document, it went somewhere else.

13   Q.   Okay. So you can't tell if that was successful

14   access of that document?

15   A.   No, sir.

16   Q.   Now, again, in at least this summary, what, which

17   line is the successful access versus the --

18   A.   It would be the first one, sir.

19   Q.   And what's the date of that search?

20   A.   29 December 2009.

21   Q.   Thank you.

 1   THE COURT: My understanding the 29 December 2009

 2 was successful and the other three were not?

 3   THE WITNESS: They may have been, therein lies the

 4 permutation of the log files. If you click on the link, it

 5 redirected it to somewhere else and I don't know where.

 6   THE COURT: Thank you.

 7   THE WITNESS: So it may have been.

 8   MR. MORROW: Your Honor, at this time the

 9 prosecution moves to admit prosecution exhibit 84 for

10 identification into evidence.

11   MR. TOOMAN: No objection, Your Honor.

12   THE COURT: All right. Prosecution exhibit 84 is

13 admitted.

14 BY MR. MORROW:

15   Q.   Agent Shaver, I want to talk about the Intelink

16 searches and the 14 February 2010 timeframe. First, based on

17 your review of the searches in these logs, did the logs

18 capture any searches for WikiLeaks on 14 February 2010?

19   A.   Yes, sir, I believe they did.

20   Q.   And generally again where did these searches lead on

21 the SIPRNET?

1   A.   To websites that have information pertaining to

2 WikiLeaks.

3   Q.   I'm retrieving what's been marked as prosecution

4 exhibit 85 for identification.

5   Agent Shaver, I'm handing you prosecution exhibit 85

6 for identification.

7   A.   Yes, sir.

8   Q.   Just take a moment and look at it, please.

9   I'm retrieving prosecution exhibit 85 for

10 identification with the witness. Permission to publish, Your

11 Honor.

12   THE COURT: Go ahead.

13 BY MR. MORROW:

14   Q.   Agent Shaver, I won't go through all the lines in

15 this document, but just describe for the court what this,

16 first of all, again, what is the document?

17   A.   Again, this is a subset of the Intelink logs for

18 February 14, 2010.

19   Q.   And where does this subset of logs begin, what's the

20 first action?

21   A.   Again, it's another search for WikiLeaks, you can

```
 1  see that from the top line under the Q equals WikiLeaks in
 2  this search, and the search ended up on an Army website.
 3      Q.   Can you just point out the line, please?  It might
 4  be easier if I just hand it back to you.
 5      A.   Yes.  I'm sorry, it's a little blurry on here.
 6      Q.   Based on your review of the logs, were you able to
 7  identify any documents accessed by the user of those IP
 8  addresses in the logs?
 9      A.   Yes, sir.
10      Q.   And what documents were you able to identify as
11  being accessed?
12      A.   There is one called C C C here be dragons trip
13  report.
14      Q.   And what line is that in that summary?
15      A.   12.
16      Q.   And were there any other documents accessed as a
17  result of this search on Intelink?
18      A.   There is an IIR as well, following a bunch of
19  numbers, classified documents on WikiLeaks dot PDF.
20      Q.   And based on your review of the Interlink logs
21  generally, have you ever seen this document accessed at a
```

1 previous time other than February 14?

2   A.   Yes, sir.

3   Q.   And what timeframe was that?

4   A.   I believe it was early December.

5   Q.   Agent Shaver, I just want to, what created this

6 document?

7   A.   I did.

8   Q.   And how did you create it?

9   A.   Sir, it was just filtered on the date for February

10 14.

11   MR. MORROW: Your Honor, at this time the

12 prosecution moves to admit prosecution exhibit 85 for

13 identification into evidence.

14   MR. TOOMAN: No objection.

15   THE COURT: May I see it, please?

16 BY MR. MORROW:

17   Q.   Agent Shaver, I want to shift gears for a moment.

18 Other than searches made from the computers on Intelink, what

19 other activity was significant that you observed in the

20 Intelink logs?

21   A.   There were a number of hits, there were a number of

```
 1  downloads using the WGet utility.
 2      Q.   And what is WGet?
 3      A.   Sir, that is a command line program executable
 4  designed to basically download files from web pages.
 5      Q.   And when you say something's a command line program,
 6  what do you mean by that?
 7      A.   It's command line, so there is not a graphical user
 8  interface.  There's no need for a mouse.  You have to type
 9  the commands in from the command prompt.  So if you were to
10  go to, you have a Windows computer, if you go to start, run,
11  type CMD, and hit enter, a little black window would open and
12  that would be command window.  You could then type commands
13  from there.
14      Q.   Now, is WGet -- what is it, is it software?
15      A.   Yes, sir.
16      Q.   And you also said something about executable.
17  What's an executable?
18      A.   It's just a program that runs.
19      Q.   And what's the difference between software and
20  executable?
21      A.   Same thing, sir.
```

1   Q.   It's just exactly basically?

2   A.   Yeah.

3   Q.   Now, based on your knowledge and experience, is WGet

4 a standard program on Army computers?

5   A.   Not Windows computers, no, sir.

6   Q.   Why do you say that?

7   A.   Sir, part of our mission at CCIU was to find malware

8 on a computer, so we had access to the Army Gold Master. And

9 the Army Gold Master or AGM is how the Army distributes

10 software to include Office and operating systems themselves

11 across the Army network. So we had access to that. We would

12 use that to, once you know what's supposed to be there, it's

13 easier to figure out what's not supposed to be there.

14   Q.   All right. Let's talk about the presence of WGet in

15 the logs. Do you recall the first example of WGet in the

16 logs?

17   A.   I believe it was March 2010.

18   Q.   I am retrieving what's been marked as prosecution

19 exhibit 83 for identification. I'm now showing them to

20 defense counsel.

21   I'm handing the witness what has been marked as

1 prosecution exhibit 83 for identification. Agent Shaver,

2 could you take a moment and look through that, please?

3   A.   Yes, sir.

4   Q.   Do you recognize that document?

5   A.   Yes, sir, I do.

6   Q.   And what is it?

7   A.   Sir, this is, again, this is a filtered on WGet from

8 March 7 from the Intelink logs.

9   Q.   And, again, when you say you filtered, so you

10 created that document?

11   A.   Yes, sir, I did.

12   Q.   And when you created the document, did you a filter

13 the information in any way from the original logs?

14   A.   No, sir.

15   Q.   So what was the filter you used to sort of create

16 that summary?

17   A.   Basically WGet on March 7.

18   Q.   And what does that document show, just generally,

19 and in a moment we'll go through it, but just generally what

20 does it show?

21   A.   Sir, it shows a large number of files being

1 downloaded in an automated fashion.

2   Q.   And what is the date of the first download of a

3 document using WGet?

4   A.   That would be March 7, 2010.

5   Q.   What time?

6   A.   3:18.

7   Q.   And when is the last action of downloading using

8 WGet in the logs?

9   A.   Last action is March 7, 2154.

10   Q.   2154?

11   A.   I'm sorry. 7:06. I apologize.

12   Q.   So approximately between the first and last action,

13 how much time elapsed?

14   A.   Just a few hours.

15   THE COURT: Wait a minute. Let me stop you there.

16 So the first download is 7 March of 2010 at 3:18?

17   THE WITNESS: I apologize, ma'am, 7:06.

18   THE COURT: You mean military time or are you using

19 civilian time?

20 BY MR. MORROW:

21   Q.   Agent Shaver, let's just go through it.

1   Permission to publish to the court, Your Honor. I'm

2   just going to show the first page of this exhibit, Your

3   Honor.

4   Agent Shaver, approximately how much time, based on

5   your review of these logs, how much time elapses between each

6   use of WGet?

7   A.   Not a lot, sir. If you can see from lines seven

8   through 13, they're all 7:46. Excuse me. 3:46. So not a

9   lot of time between each one.

10   Q.   And let's, if you could just look at those lines

11   specifically and just move to the right there, can you

12   describe the action at the very right of the screen? What

13   does the 200 mean and then describe going right, what does

14   that mean?

15   A.   Yes, sir. Starting 200. 200 means success. The

16   number following is the size of the file. And a little

17   further to the right it shows what was used. In this case it

18   was WGet and that was the version, 1.11.4.

19   Q.   Now, if you go to the left a little bit, I see a

20   number of lines sort of recreated, document ID equals 144708,

21   and then a number of document ID. What is the document ID?

```
 1      A.   The server this is being captured from is a

 2  Sharepoint server pertaining to Guantanamo Bay detainees.  As

 3  such the documents are not stored by a common name, they're

 4  stored by a document ID.  So to retrieve it, if you were to

 5  go to the website, you would click on the link that said

 6  common name, need a person's last name.  But actually

 7  underneath it in the code it would say to retrieve a certain

 8  document ID.

 9      Q.   So in this case what does the document ID represent?

10      A.   A file name.

11      Q.   Agent Shaver, approximately how many WGet actions

12  did you observe in this log on 7 March?

13      A.   Over 700.

14           MR. MORROW:  Your Honor, at this time the

15  prosecution moves to admit prosecution exhibit 83 for

16  identification into evidence as prosecution exhibit 83.

17           MR. TOOMAN:  No objection, Your Honor.

18           THE COURT:  Can I see it, please?

19           Thank you.  Prosecution exhibit 83 for

20  identification is admitted.

21  BY MR. MORROW:
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 1        Q.    Agent Shaver, you said that those document IDs

 2   resolved or went back to the detainee assessments located on

 3   the SIPRNET, correct?

 4        A.    Correct.

 5        Q.    Now, in any time in your review of the Intelink

 6   logs, did you notice any other activity or accessing of

 7   information on detainee records on Intelink?

 8        A.    Yes, sir.

 9        Q.    And what time was that?

10        A.    5 March 2010.

11        Q.    I'm retrieving what's been marked as prosecution

12   exhibit 82 for identification.

13              I'm handing the witness what's been marked as

14   prosecution exhibit 82 for identification.

15              Do you recognize that document, Agent Shaver?

16        A.    Yes, sir, I do.

17        Q.    And what is that?

18        A.    Sir, this is a document, a subset of the Intelink

19   for March 5, 2010.

20              MR. MORROW:  Permission to publish to the court,

21   Your Honor.
```

1   THE COURT: Proceed.

2   BY MR. MORROW:

3   Q.   Agent Shaver, I'm just going to show you the first

4   page of the exhibit. And if you would, Agent Shaver, using

5   this document, just describe the activity that you're seeing

6   in the logs.

7   A.   The activity, somebody is on a computer assigned IP

8   dot 22 is downloading files. Again, you see the file

9   document again and you see their link to the website is there

10   and you see some 200s and you see some 000s. There's an

11   issue for that download didn't quite work right. And there's

12   time and dates associated with those downloads.

13   Q.   Now, in terms of what the user is doing or what

14   you're observing in this activity on the Intelink versus the

15   7 March activity, what's the difference between those two

16   accessing -- the accessing of the detainee assessment on

17   those two dates?

18   A.   This appears to be a lot of right clicking, save as.

19   Q.   And why do you say that?

20   A.   Because it's the time. It's not as fast and there's

21   some errors, so it looks, it appears to be somebody's

1   manually downloading these files.

2   Q.   Did you observe WGet on 5 March?

3   A.   No, sir.

4   Q.   And how do you know that, again, these are detainee

5   assessments, where are the logs that show those are the files

6   being accessed?

7   A.   It actually says that, action line, it says the

8   website week JDIV Gitmo detainee assessments.

9   Q.   Thank you. Now, again --

10   THE COURT: Before you move that, I've got a

11   question. You have the 200s where you say were a success,

12   after some of the 200s then you have 000. What does that

13   mean?

14   THE WITNESS: There's a problem.

15   THE COURT: Thank you.

16   BY MR. MORROW:

17   Q.   Agent Shaver, how was this, again, and you may have

18   answered this, how was this summary created?

19   A.   I filtered based off the date and the action.

20   MR. MORROW: Your Honor, at this time the

21   prosecution moves to admit prosecution exhibit 82 for

1 identification into evidence.

2   MR. TOOMAN: No objection, Your Honor.

3   THE COURT: Prosecution exhibit 82 is admitted.

4   MR. MORROW: Thank you, Agent Shaver. Government

5 has no further questions at this time.

6   MR. TOOMAN: Your Honor, the defense would request a

7 ten minute comfort break.

8   THE COURT: Any objection?

9   MR. FEIN: No, ma'am.

10   THE COURT: All right. Agent Shaver, please don't

11 discuss your testimony or knowledge of the case with anyone

12 other than counsel or the accused while we are on the recess.

13 Court is in recess until five minutes to eleven.

14   (BRIEF RECESS.)

15   THE COURT: Court is called to order. Let the

16 record reflect all parties present when the court.

17   Captain Tooman, cross examination.

18   MR. TOOMAN: Thank you, Your Honor.

19   CROSS EXAMINATION

20 BY MR. TOOMAN:

21   Q.   Good morning, Agent Shaver.

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 1        A.   Good morning, sir.

 2        Q.   Agent Shaver, I'd like to start out by on direct you

 3   talked a little bit about some of the computers that you had

 4   associated with my client.

 5        A.   Yes, sir.

 6        Q.   You had associated the dot 22 machine?

 7        A.   Yes, sir.

 8        Q.   That was one.  And the other was the dot 40 machine?

 9        A.   Yes, sir.

10        Q.   I want to focus on the dot 22 machine for just a

11   moment.  Now, on that machine, you didn't have any activity

12   that you would associate with my client before 2 March in the

13   allocated space, is that correct?

14        A.   Okay.

15             THE COURT:  Whoa, whoa, whoa.

16        Q.   On the dot 22 machine there was a user account,

17   Bradley dot Manning, correct?

18        A.   Right.

19        Q.   And that user account didn't have anything in the

20   unallocated space before 2 March, is that correct?

21             MR. MORROW:  Objection.  Outside the scope of
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 1  direct.

 2          THE COURT:  Overruled.

 3          THE WITNESS:  Sir, your terminology I believe is

 4  incorrect.

 5  BY MR. TOOMAN:

 6      Q.   Okay.

 7      A.   You're asking -- may I ask?  You're asking me are

 8  there any files pertaining to the Bradley dot Manning user

 9  account prior to 2 March?

10      Q.   2 March.

11      A.   That are allocated.

12      Q.   That are unallocated.  Let me rephrase the question.

13          In the dot 22 computer, there's a user account,

14  Bradley Manning?

15      A.   Correct.

16      Q.   That user account didn't exist before 2 March,

17  correct?

18      A.   Correct.

19      Q.   And that user account didn't exist before 2 March

20  because that computer had been re-imaged?

21      A.   Correct.
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 1       Q.    And that computer was re-imaged by the G6 or whoever

 2  was in charge of those computers?

 3       A.    That's correct.

 4       Q.    Okay.  And you've been to Iraq?

 5       A.    Yes, sir.

 6       Q.    And you understand that there are a lot of reasons

 7  why a computer would be re-imaged in Iraq?

 8       A.    Correct.

 9       Q.    It's a difficult environment for the machine?

10       A.    Yes, sir.

11       Q.    It's hot, that puts stress on the machine?  It's

12  dusty, sandy?

13       A.    Yes, sir.

14       Q.    And those things could cause problems for the

15  machine?

16       A.    Correct.

17       Q.    And one way that an administrator might deal with

18  those problems is to re-image it?

19       A.    Correct.

20       Q.    That's what happened with the dot 22 machine?

21       A.    Correct.
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 1       Q.   And that wasn't anything my client did, that was

 2  whoever was in charge of those machines?

 3       A.   Yes, sir.

 4       Q.   Now, you talked about, on direct you talked about

 5  the Intelink logs and the searches, you talked about how you

 6  created the Excel document where you were able to pull out

 7  all of the actual searches?

 8       A.   Yes, sir.

 9       Q.   And to separate the wheat from the chaff, here are

10  the searches, correct?

11       A.   Uh-huh.

12       Q.   And you talked about a number of searches for

13  WikiLeaks?

14       A.   Yes, sir.

15       Q.   You talked about searches for ACIC documents?

16       A.   Just WikiLeaks.

17       Q.   Well, you talked about searches or activity on the

18  Intelink logs related to detainee assessments?

19       A.   Correct.

20       Q.   There were in total from May -- I'm sorry.  From

21  November of 2009 to May of 2010 there were probably close to
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1 800 searches?

2   A.   Sounds right.

3   Q.   And not all of those had to do with WikiLeaks?

4   A.   Correct.

5   Q.   A lot of those searches had to do with a lot of

6 other things?

7   A.   Yes, sir.

8   Q.   And with those Intelink logs, all you can really say

9 is that the dot 22 machine or the dot 40 machine did a search

10 for whatever term?

11   A.   Correct.

12   Q.   You can't say that that was PFC Manning who did the

13 search?

14   A.   Correct.

15   Q.   You can't say it was Captain Tooman who did the

16 search?

17   A.   Correct.

18   Q.   You could say if it was you that did the search, but

19 you don't know who did the search?

20   A.   Correct.

21   Q.   Okay. There were a lot of other searches done?

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 1        A.    Yes, sir.

 2        Q.    There were searches for gender identity disorder?

 3        A.    Yes, sir.

 4        Q.    There were searches for APFT scores?

 5        A.    Yes, sir.

 6        Q.    There were searches for Green to Gold?

 7        A.    Yes, sir.

 8        Q.    Now, I want to focus on some more of those searches.

 9   There were also a number of searches related to CENTCOM,

10   correct?

11        A.    Correct.

12        Q.    Now, CENTCOM is the command that oversees Iraq,

13   correct?

14        A.    Yes, sir.

15        Q.    Iraq falls underneath CENTCOM.  So there would be a

16   lot of reasons why a computer user might search for CENTCOM?

17        A.    Sure.

18        Q.    I want to talk about some of those CENTCOM searches

19   a little more specifically.  There was a search for CENTCOM

20   on or involving CENTCOM on 30 November 2009, is that correct?

21        A.    Sounds right.
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1   Q.   There was another search on 9 December for CENTCOM

2 that was done by the 40 machine?

3   A.   Okay.

4   Q.   Is that -- do you have you --

5   A.   I don't have the notes in front of me, sir.

6   THE COURT: Let me ask you to do something, please.

7 If you know something to be a fact and you're agreeing with

8 the questioner, say that. If you don't know or you're not

9 sure because you don't have something in front of you, don't

10 agree.

11   THE WITNESS: Okay.

12 BY MR. TOOMAN:

13   Q.   Is there anything that would allow you to answer

14 those questions?

15   A.   Yes, sir. One of the exhibits from earlier.

16   MR. TOOMAN: Okay. Your Honor, I'd like to retrieve

17 prosecution exhibit 81 and ask Agent Shaver to move to the

18 witness stand because I believe that's classified.

19   THE COURT: All right. Certainly.

20   MR. TOOMAN: Handing the witness what's been marked

21 as prosecution exhibit 81.

1 BY MR. TOOMAN:

2   Q.   Agent Shaver, we'll start over. We'll start from

3 the top with searches that implicate CENTCOM. On the 30th of

4 November we have a search by the dot 40 machine related to

5 CENTCOM, is that correct?

6   A.   (INAUDIBLE).

7   Q.   No, I do not.

8   A.   (INAUDIBLE).

9   THE COURT: Take your time.

10   THE WITNESS: Yes, sir.

11   Q.   There's also a search on 9 December by the dot 40

12 machine and that's a search for S J A plus CENTCOM?

13   A.   Yes, sir.

14   Q.   And on the 15th of November -- I'm sorry -- the 15th

15 of December, again, the dot 40 machine, we have a search just

16 for CENTCOM?

17   THE COURT: Did you say the 14th of December?

18   MR. TOOMAN: 15th, Your Honor.

19   THE WITNESS: Correct. Yes, sir.

20 BY MR. TOOMAN:

21   Q.   The very next day, again, the dot 40 machine

1 searched for CENTCOM plus S J A?

2   A.   Yes, sir.

3   Q.   Then on the 31st of December the dot 40 machine

4 searched for CENTCOM plus portal?

5   A.   Correct.

6   Q.   2 January 2010 we see the 40 machine searching for

7 CENTCOM plus non-rel, N O N R E L?

8   A.   Yes, sir.

9   Q.   On the 4th the dot 40 machine searches for CENTCOM?

10   A.   Yes, sir.

11   Q.   Okay. Then our next search is the 19th of February,

12 still the dot 40 machine and it's just for CENTCOM?

13   A.   What date again was that, sir?

14   Q.   19 February.

15   A.   Yes, sir.

16   Q.   And then on the 28th?

17   A.   Yes, sir.

18   Q.   We have one by the dot 40 machine as well?

19   A.   Yes, sir.

20   Q.   And that's a search for CENTCOM?

21   A.   On 28 November, yes, sir.

1   Q.   Then on 12 March, we see our first search from the

2 dot 22 machine, and that's for a long string, but you would

3 agree with me that that is basically searching for don't ask,

4 don't tell?

5   A.   Yes, sir.

6   Q.   Then on the 17th of March, the 22 machine searches

7 for, again, another long string E-Books plus site, percentage

8 three?

9   A.   Yes, sir, I see that.

10   Q.   And then on the 22nd of March we see a search for

11 Farah plus CENTCOM, and that was the 22 machine?

12   A.   Yes, sir.

13   Q.   Let me retrieve that exhibit from you. Handing

14 prosecution exhibit 81 back to the court reporter.

15   Now, Agent Shaver, those were the only searches for

16 CENTCOM on the Intelink logs that specifically talked about

17 CENTCOM, correct?

18   A.   Looks that way, yes, sir.

19   Q.   And there was only one that specifically searched

20 for Farah?

21   A.   Correct.

1   Q.   And that was on 22 March?

2   A.   Yes.

3   Q.   Agent Shaver, I want to talk a little bit more about

4 Farah. You talked on direct about there are ways that we can

5 tell, you can tell a search was done, but we can't really

6 tell what happened after that, is that correct?

7   A.   That's correct.

8   Q.   There's some indication that maybe a file was

9 viewed, but we have to look other places to find out what

10 happened as a result of that search, correct?

11   A.   Correct.

12   Q.   And one of those places would be Centaur logs, is

13 that correct?

14   A.   Yes.

15   Q.   Could you explain to the court what a Centaur log

16 is?

17   A.   Yes, sir.

18   MR. MORROW: Your Honor, objection. There's been no

19 evidence to suggest that he examined something called a

20 Centaur log. Lack of foundation here. It's outside the

21 scope of direct examination.

 1   THE COURT: How is it within the scope?

 2   MR. TOOMAN: It's within the scope of direct

 3   examination, Your Honor, because the government talked about

 4   searches and then different ways that we can see what

 5   happened with the searches.

 6   Additionally, the government has already requested

 7   judicial notice of the Centaur logs so that's already

 8   something the court has considered. This witness has

 9   reviewed the Centaur logs, he will talk about that.

10   THE COURT: I'm going to overrule at this point just

11   telling me what a Centaur log is. Do you dispute the fact

12   that he does know what it is?

13   MR. MORROW: No, Your Honor. I do dispute the fact

14   that we asked you to take judicial notice of the Centaur logs

15   though.

16   THE COURT: Do you have your consolidated judicial

17   notice list has that been put on as an appellate exhibit yet?

18   MR. TOOMAN: Your Honor, it's in the 18 July 2012

19   ruling, appellate exhibit 216.

20   THE COURT: May I see appellate exhibit 216, please?

21   216 is the one you're relying on, right?

 1   MR. TOOMAN: Yes, ma'am.

 2   THE COURT: All right. Government, I'm looking at

 3   appellate exhibit 216. Number four talks about Centaur logs.

 4   MR. FEIN: Yes, ma'am. So this was a government

 5   motion to preadmit evidence, not judicial notice. The

 6   government did move to preadmit and the court ruled that

 7   based off the government's showing of relevance that this

 8   evidence would otherwise be admissible. The government does

 9   intend to admit this evidence, in fact, with the predicate

10   witnesses prior to Special Agent Shaver and then Special

11   Agent Shaver's testimony. I think my co-counsel's objection

12   was just based off it's outside the scope of this direct

13   because there's no context, no foundation, prior facts not

14   going to understand that the background is Centaur.

15   THE COURT: So you're going to be recalling this

16   witness to talk about Centaur logs?

17   MR. FEIN: Absolutely, Your Honor.

18   THE COURT: Why are we getting into it now?

19   MR. TOOMAN: Your Honor, the government believes the

20   government opened the door to Agent Shaver's investigation

21   and we'd like to talk to him about it.

 1   THE COURT: The government didn't mention anything

 2   about Centaur logs, so are you waiving your relevance

 3   objection for these logs to come in?

 4   MR. TOOMAN: Yes, Your Honor. We would, yes, Your

 5   Honor.

 6   THE COURT: I think it's beyond the scope of direct.

 7   The government just didn't talk about it, so I'm going to

 8   sustain the objection.

 9   MR. TOOMAN: Okay.

10   BY MR. TOOMAN:

11   Q.   Agent Shaver, I'd like to talk to you, you spoke on

12   direct about the ACIC report?

13   A.   Yes, sir.

14   Q.   And you saw a number of searches for that, one was

15   on 29 December, there was one on 14 February?

16   A.   Correct.

17   Q.   And then there were two on 1 March, correct?

18   Your testimony on direct was only one of those

19   searches was successful and that only one time did something

20   get pulled up?

21   A.   No, sir.

1   Q.   Okay.

2   A.   I can show, number one, the first hit was a success.

3   The other ones are redirected. I don't know if they're

4   successful. They're redirected to another log file, another

5   server. I cannot tell you if it was successful or it was

6   not.

7   Q.   Okay. So only that first search could you say for

8   sure this was successful?

9   A.   Correct.

10   Q.   Now, based on your review of the intel logs, you

11   couldn't say if that document was downloaded, correct?

12   A.   It was viewed, so technically it was downloaded

13   because you see the bytes transferred. It was viewed upon

14   the computer itself.

15   Q.   Okay. You couldn't tell if there was a right click,

16   save as?

17   A.   No, sir.

18   Q.   You couldn't tell if it was printed?

19   A.   No, sir.

20   Q.   You also couldn't tell how long that screen was up,

21   correct?

1   A.   Correct.

2   Q.   So it could have been up for a second, it could have

3   been up for five minutes?

4   A.   Correct.

5   Q.   The same would be true for the C3 report that you

6   talked about on direct as well, correct?

7   A.   Correct.

8   Q.   Can't tell how long it was viewed, is that correct?

9   A.   Correct.

10   Q.   You can't tell if it was saved?

11   A.   Correct.

12   Q.   You also couldn't tell if it was printed?

13   A.   That's correct.

14   Q.   And I believe you said that the 22 machine is the

15   one that did those things. Either way you can't associate

16   the viewing of those documents with any particular person,

17   correct?

18   A.   Correct.

19   Q.   Just with the machine.

20   A.   Correct.

21   Q.   I'd like to speak with you, you talked about WGet on

 1   direct. I'd like to talk to you now about that.

 2   You would agree with me that WGet is a program

 3   that's used to download web pages?

 4   A.   Yes, sir.

 5   Q.   Archive pages?

 6   A.   Sure.

 7   Q.   Download things?

 8   A.   Sure.

 9   Q.   You wouldn't say that this is a program that's

10   synonymous with hacking, would you?

11   A.   Correct. It's just a tool.

12   Q.   Just a normal program that's used every day by a lot

13   of different people?

14   A.   Yes, sir.

15   Q.   Now, you talked about detainee assessment briefs?

16   A.   Yes, sir.

17   Q.   And you talked about the Intelink's logs show that

18   on 5 March there were attempts from your perspective of

19   clicking, opening and saving, that's what the Intelink log

20   suggested?

21   A.   Correct.

1   Q.   And then on 7 March you had, again, activity with

2 the detainee assessment briefs, but here it looked like WGet

3 was used to download those files, correct?

4   A.   Yes, sir.

5   Q.   You would agree with me that basically what WGet was

6 doing was clicking, opening and saving, it was just doing it

7 quickly?

8   A.   In automated fashion.

9   Q.   Faster than a human could do it?

10   A.   Yes.

11   Q.   But still the same action, essentially the click,

12 open, save?

13   A.   Correct.

14   Q.   Now, as part of your investigation, you actually

15 used WGet, didn't you?

16   A.   Yes, sir, I did.

17   Q.   And what you did with WGet was you tried to

18 download, you wanted to see if you could download the

19 detainee assessment briefs?

20   A.   Correct.

21   Q.   And you were able to do that?

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 1       A.   Correct.

 2       Q.   And what you did was you wrote a script and you ran

 3  the script and then you actually downloaded the detainee

 4  assessment briefs?

 5       A.   Yes, sir.

 6       Q.   And that only took you a few minutes to do?

 7       A.   Yes, sir.  Did not take very long.

 8       Q.   Didn't take very long to download over 700 detainee

 9  assessment briefs?

10       A.   Correct.

11       Q.   And while that was happening, you were able to do

12  other things on your machine?

13       A.   Yes, sir.

14       Q.   So one could run WGet and it would run in the

15  background and you could do other things?

16       A.   Yes, sir.  You would take a performance hit, but,

17  yes.

18       Q.   When WGet's running, you don't have to actually be

19  there, do you?  You don't have to be sitting at the computer

20  actively doing anything, correct?

21       A.   No, sir.
```

1   Q.   And, again, it basically just automates the click,

2 open, save?

3   A.   Correct.

4   MR. TOOMAN: No further questions, Your Honor.

5   THE COURT: All right. Redirect.

6   MR. MORROW: No, Your Honor.

7   THE COURT: All right. I have a couple.

8   We talked earlier about the 200 means it's

9 successful and the 000 means there's a problem.

10   You just said in response to Captain Tooman's

11 questions that when a search is redirected to somewhere else,

12 you don't know what happens to it. Can you just tell me,

13 give me an example of a search, you would search for

14 something and it would go somewhere else and what happens?

15   THE WITNESS: Yes, ma'am. So are you familiar with

16 Google?

17   THE COURT: Yes.

18   THE WITNESS: So you go to Google and you put in

19 Wolf Blitzer, it takes you to the CNN web page and now you're

20 on the CNN web page. Google is no longer tracking what

21 you're doing on CNN, but the redirect took you there. And in

 1   this instance that R B document was directed to another site,

 2   and once it's on the other site it's no longer part of

 3   Intelink. Does that make sense?

 4   THE COURT: Yes. Thank you.

 5   You testified earlier that to assess whether a

 6   program is authorized on a Army computer, I just want to make

 7   sure I got your testimony correctly. What did you use the

 8   Army Gold Master's program to determine?

 9   THE WITNESS: We used that -- excuse me. When I

10   worked at CCIU, we would use that to determine what are the

11   authorized programs, those are the Army programs that are

12   commonly available to the users on the Army network. WGet

13   was never part of those.

14   THE COURT: If you're not the right witness to ask

15   this question to, tell me.

16   Are you familiar with, does that program say that if

17   it's not on here, you can't use it or you can't put it on the

18   computer?

19   THE WITNESS: No, ma'am. That would be considered a

20   certificate of networthiness, also called a CON. That would

21   be the final authority on what's authorized and what's

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 1   unauthorized.

 2           THE COURT:  I'm beginning to stray into areas that

 3   the government mentioned on their direct, but were not fully

 4   explored.  Any objection to my continuing to question this

 5   witness about them?

 6           MR. MORROW:  No, Your Honor.

 7           MR. TOOMAN:  No, ma'am.

 8           THE COURT:  Tell me what that was called again, a

 9   certificate of --

10           THE WITNESS:  Networthiness.  Commonly referred to

11   as a CON, C O N.

12           THE COURT:  Assume I'm a computer user, how do I go

13   about obtaining a CON?

14           THE WITNESS:  It is a process through one of the

15   Army SERS, the Army regional at Fort Huachuca, Arizona.  You

16   would put in a request to use a piece of software on the Army

17   network.  They would evaluate it to make sure it's not -- it

18   meets certain criteria, whether you have to pay for it, what

19   it does on the network, does it create a vulnerability on the

20   network.  And then they would eventually get back to you and

21   say yes or no.
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 1          THE COURT:  The Army sometimes structures automation

 2  such that the user does not have administrative rights to

 3  insert, to add things in the computers that you examined that

 4  you testified about today.  Could the user, did the user have

 5  administrative rights to add whatever they wanted to?

 6          THE WITNESS:  No, ma'am, they do not.  However, WGet

 7  is the, the executable itself does not need administrative

 8  privileges to run, so you can use, anybody can download it,

 9  anybody can run it.

10          THE COURT:  Are you aware of any specific

11  authorization of or prohibition of program WGet?

12          THE WITNESS:  When I looked at the certificate of

13  networthiness, WGet was not on that list.

14          THE COURT:  So that certificate is one certificate

15  of --

16          THE WITNESS:  The CON itself, the one I saw the

17  Excel spreadsheet of what was authorized and what was not

18  authorized for the Army network.  I was looking at it for

19  another matter.  I obtained it for another case.  But WGet

20  was not present on that CON.

21          THE COURT:  And that CON was applicable for what, a
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 1 particular unit or geographic area?

 2   THE WITNESS: As far as I know, the Army.

 3   THE COURT: Any follow-up questions from either side

 4 based on my questions?

 5   MR. MORROW: One moment, Your Honor.

 6   Just a couple of questions, Your Honor.

 7   REDIRECT EXAMINATION

 8 BY MR. MORROW:

 9   Q.   Agent Shaver, when someone searches for something on

10 the SIPRNET, and we've probably have gone over this, but what

11 does the resulting, at least if you're on the Intelink

12 server, what does the resulting activity show in the logs?

13   A.   It would show any hits pertinent to the search you

14 put in.

15   Q.   Now, when you say hits, what do you mean by that?

16   A.   Again, it's basically Google, so if you put a

17 keyword in, again, let's go back to Wolf Blitzer, everything

18 that pops up would be pertinent to the key term Wolf Blitzer.

19   Q.   So you would have a number of results?

20   A.   Yes, sir.

21   Q.   And if you clicked on one of those results, what

1 would happen?

2   A.   It would take you to the website or the document

3 pertaining to that information.

4   Q.   Now, if it took you to the website or document

5 pertaining to that information, would that activity always be

6 captured by the Intelink logs?

7   A.   No, sir.

8   Q.   And why is that?

9   A.   Depends, sir. Depends where the document is

10 located. Again, if it's not on -- if it's on another website

11 it would be captured, that information would be captured on

12 that other website.

13   Q.   Agent Shaver, when you were talking about the

14 certificate of networthiness, what type of computer were you

15 referring to?

16   A.   Windows computer.

17   Q.   But SIPRNET, NIPRNET, what were you talking about?

18   A.   Either or.

19   Q.   Have you seen the certificate of networthiness for a

20 DCGS Alpha computer?

21   A.   No, sir, I have not.

1   Q.   And where does WGet come from, where does someone

2 acquire or obtain the WGet program?

3   A.   You would find it, you would search for it on the

4 Internet and find it on the Internet.

5   Q.   So it's available to anyone on the Internet?

6   A.   That's correct.

7   Q.   And if you were to put a program or an executable

8 like WGet on a computer, and you wanted it to be available to

9 all the users of that computer, anyone who logged in, where

10 would you put it on the computer?

11   A.   Program files.

12   Q.   And why would you put it in the program files if you

13 wanted it to be available to all the users?

14   A.   It's a permission issue. Everybody can have access

15 to it. They can all execute that document. If for example

16 you put it in a user profile, one user profile just due to

17 permissions cannot see the contents of another user for

18 security reasons.

19   Q.   So a computer may have any number of user profiles

20 because, at least in the government, people share computers,

21 right?

1   A.   Yes, sir.

2   MR. MORROW: Thank you.

3   MR. TOOMAN: Just a couple, Your Honor.

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1   RECROSS EXAMINATION

2   BY MR. TOOMAN:

3   Q.   Agent Shaver.

4   A.   Sir.

5   Q.   You spoke about the Army Gold Master's program. The

6   Army Gold Master program, they don't review every program or

7   software executable file that exists, correct?

8   A.   The Army Gold Master is just a disk of software they

9   provide, the Army provides to the users.

10   Q.   Well, the Army doesn't review every single file or

11   piece of software type of executable file to determine

12   whether or not there's a certificate of networthiness for it,

13   correct? Did it look at everything?

14   A.   Everything in the world?

15   Q.   Everything in the world.

16   A.   No.

17   Q.   So the fact that there isn't a certificate of

18   networthiness doesn't necessarily mean that it would be a

19   problem to have it on the Army system?

20   A.   Technically as I understand it, technically you

21   would need an exception to policy, the Army, you would just

 1   have an exception of policy to run a specific program on a

 2   specific network for a specific reason. There would be a

 3   signed document for that.

 4   Q. And I guess a certificate of networthiness or the

 5   lack of a certificate of networthiness doesn't mean if the

 6   program were reviewed it wouldn't get one?

 7   A. Correct.

 8   Q. Now, you talked about WGet. WGet is an executable

 9   file, is that correct?

10   A. That's correct.

11   Q. And you double click on it, it opens, and it runs,

12   correct?

13   A. Again, it's a command line, so if you double click

14   on it, a black window would open and close very quickly and

15   not do anything. You have to do it from the command line.

16   Q. You would agree with me that it's an executable

17   file?

18   A. Yes, sir.

19   Q. And Army systems can be configured to prevent the

20   running of executable files?

21   A. Yes.

1   Q.   Now, you talked about where an individual can put a

2   file if they add something to their machine. They could put

3   it in their own personal user file or it could get added to

4   program files, correct?

5   A.   Correct.

6   Q.   If you wanted to add something to the program files,

7   I would need administrative rights for that, wouldn't I?

8   A.   That's correct.

9   MR. TOOMAN: Nothing further, Your Honor. Thank

10 you.

11   THE COURT: Any redirect from the government?

12   MR. MORROW: No, Your Honor.

13   THE COURT: Let me just make sure I'm clear on this.

14 Based on the last question from Captain Tooman, am I

15 understanding this WGet program was in the user files as

16 opposed to the programs file on the computers you found?

17   THE WITNESS: Correct.

18   THE COURT: If the user attempted to put WGet on the

19 programs file, what would have happened?

20   THE WITNESS: They would ask for permission. They

21 would ask for administrator privilege or account to do this.

1   THE COURT: Well, did the user in this case have an

2 administrative privilege account?

3   THE WITNESS: No.

4   THE COURT: If the user tried to put that program on

5 a program drive without going through that process that you

6 just described, would the computer let him?

7   THE WITNESS: No.

8   THE COURT: Any further questions based on my --

9   MR. MORROW: No, Your Honor.

10   MR. TOOMAN: No, ma'am.

11   THE COURT: All right. Temporary excusal?

12   MR. MORROW: Temporary, Your Honor.

13   THE COURT: Special Agent Shaver, once again, you're

14 temporarily excused. Please don't discuss your testimony

15 with anyone but the accused or the counsel while the trial is

16 going on.

17   MR. WHYTE: Ma'am, the United States calls Mr. Chad

18 Madaras.

19 Whereupon:

20   CHAD MADARAS,

21 called as a witness, having been first duly sworn according

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 1  to law, testified as follows:

 2                    DIRECT EXAMINATION

 3  BY MR. WHYTE:

 4       Q.   You are Chad Madaras?

 5       A.   Yes, sir.

 6       Q.   Mr. Madaras, what is your current military status?

 7       A.   I'm inactive reserves, sir.

 8       Q.   When did you leave the military?

 9       A.   January 16, 2013.

10       Q.   And how long did you serve for?

11       A.   Approximately six years, sir.

12       Q.   What was your MOS during that time?

13       A.   I was a 35 Fox intel analyst.

14       Q.   For the entire six years?

15       A.   Yes, sir.

16       Q.   And where were you stationed?

17       A.   At Fort Drum.

18       Q.   Do you remember when you arrived at Fort Drum?

19       A.   November 2007.

20       Q.   When you arrived what unit were you assigned to?

21       A.   Second Brigade, sir.
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 1      Q.    Tenth Mountain Division?

 2      A.    Yes, sir.

 3      Q.    And how did you know PFC Manning at Fort Drum?

 4      A.    I didn't really know him that well at Fort Drum, I

 5   just met him once in the smoking area outside our barracks.

 6      Q.    Did you deploy out of Fort Drum?

 7      A.    Yes, sir.

 8      Q.    And what pre-deployment?

 9      A.    I had two JRTC rotations and a DCGS course.

10      Q.    The JRTC, when were those?

11      A.    October of 2008 and July of 2009, sir.

12      Q.    Did PFC Manning attend both of those with you?

13      A.    From the best of my recollection, yes, sir.

14      Q.    And you mentioned a DCGS training, can you explain

15   what that entailed?

16      A.    We had a DCGS course that covered all the

17   fundamentals of a DCGS machine multi-function station and how

18   to use all the components.

19      Q.    Did PFC Manning attend that with you?

20      A.    Yes, he did.

21      Q.    At this training what were you taught about who was
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 1 | responsible for handling the DCGS machine in theater?

 2 |      A.   We were told we have a DCGS FSR downrange with us.

 3 |      Q.   And what is an FSR?

 4 |      A.   Field support representative, sir.

 5 |      Q.   How long is this training on the DCGS machine?

 6 |      A.   It was a week long, sir.

 7 |      Q.   So where did you deploy from?

 8 |      A.   Second Brigade, Fort Drum.

 9 |      Q.   Where did you deploy to?

10 |      A.   FOB Hammer, sir.

11 |      Q.   Did PFC Manning deploy to FOB Hammer as well?

12 |      A.   Yes, sir.

13 |      Q.   Do you remember when you arrived at FOB Hammer?

14 |      A.   Sometime around October 15, 2009.

15 |      Q.   Do your remember when PFC Manning arrived?

16 |      A.   It would be about a week or two later, sir.

17 |      Q.   Where did you work at FOB Hammer?

18 |      A.   In the brigade SCIF.

19 |      Q.   Where did PFC Manning work?

20 |      A.   In the brigade SCIF also.

21 |      Q.   And what section were you assigned to?
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 1      A.   We were fusion cell, part of the Shia team.

 2      Q.   What do you mean by we?

 3      A.   Me and PFC Manning.

 4      Q.   So you both were Shia --

 5      A.   Yes, sir.

 6      Q.   -- intel analysts working in the SCIF?

 7      A.   Yes, sir.

 8      Q.   What shift did you work on?

 9      A.   I worked day shift.

10      Q.   And what shift did Manning work on?

11      A.   The night shift.

12      Q.   What type of computer did you use at FOB Hammer?

13      A.   We used DCGS-A laptop, Dell.

14      Q.   And how many computers did you have at your work

15   station in the SCIF?

16      A.   Just one, sir.

17      Q.   And who did you share that work station with?

18      A.   I shared it with PFC Manning.

19      Q.   What network was this DCGS machine hooked up to?

20      A.   It was on the SIPRNET work, sir.

21      Q.   And who did you share this DCGS SIPRNET computer?
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 1       A.    With PFC Manning.

 2       Q.    For how long did you share this?

 3       A.    For six months.

 4       Q.    When in the deployment did you share this?

 5       A.    When we first took over all the way up until around

 6  the March timeframe, sir.

 7       Q.    So let's just talk about when you were actually in

 8  the SCIF, just to give the court a time line.  You said you

 9  arrived 15 October 2009?

10       A.    Yes, sir.

11       Q.    When was the first time that you left the SCIF?

12       A.    Just before Christmas of 2009.

13       Q.    And where did you go?

14       A.    I went to (INAUDIBLE).

15       Q.    And how long was this?

16       A.    It was about a week long.

17       Q.    And then you returned back to FOB Hammer working in

18  the SCIF?

19       A.    Yes, sir.

20       Q.    When did you next leave FOB Hammer?

21       A.    I left around January 27, 28 when I went on R and R.
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1   Q.   And how long were you gone for?

2   A.   Returned around February 15.

3   Q.   What about the next time you left FOB Hammer?

4   A.   I left in March for the parliamentary elections of

5 Iraq.

6   Q.   And how long were you gone for?

7   A.   For a week again, sir.

8   Q.   So when did you stop working in the SCIF?

9   A.   Around the end of May, beginning of June, sir.

10   Q.   Are you familiar with Intelink?

11   A.   Yes, sir.

12   Q.   What is Intelink?

13   A.   It's a separate search engine like Google.

14   Q.   Did you use Intelink as a 35 Fox?

15   A.   Yes, sir.

16   Q.   What are some of the benefits of using Intelink as a

17 35 Fox?

18   A.   If you didn't have a lot of information on somebody

19 or a name came up in a report that you weren't really sure,

20 you can just throw it in there to see if you got any hits

21 right off the bat.

1   Q.   Let the record reflect that I'm retrieving

2   prosecution exhibit 81 from the court reporter.

3   MR. COOMBS: Your Honor, to the extent that the

4   government is going to use 81 to ask this witness did he do

5   any of those searches, we would stipulate that he did not do

6   any of those searches.

7   THE COURT: All right. Is that where you were going

8   with this?

9   MR. WHYTE: Yes, Your Honor. But it may be helpful

10   to hear what Madaras did not search.

11   MR. FEIN: May we have a moment, Your Honor?

12   THE COURT: Why? Okay.

13   (DISCUSSION OFF THE RECORD.)

14   THE COURT: Why would it be beneficial? If the

15   defense is stipulating that the witness did not do any of

16   those searches, why would it be beneficial for me to listen

17   to the particular searches that he did not do?

18   MR. WHYTE: Yes, ma'am. Never mind, we will not

19   ask.

20   THE COURT: Proceed.

21   BY MR. WHYTE:

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 1      Q.   Mr. Madaras, did you use a CIDNE Iraq to pull
 2  intelligence?
 3      A.   Yes, sir.
 4      Q.   Are you aware if there's a CIDNE Afghanistan?
 5      A.   There is, sir.
 6      Q.   Did you use CIDNE Afghanistan?
 7      A.   No, sir.
 8      Q.   Why not?
 9      A.   It did not really pertain to anything we were doing
10  in our area.
11      Q.   Did you use Net-Centric diplomacy to search for any
12  intelligence?
13      A.   No, sir.
14      Q.   Did you pull any Department of State cables?
15      A.   No, sir.
16      Q.   What region of the world were you focused on when
17  you were at FOB Hammer?
18      A.   Eastern Baghdad.
19      Q.   Did you ever search for intelligence on Iceland?
20      A.   No, sir.
21      Q.   South America?
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1   A.   No, sir.

2   Q.   Europe?

3   A.   No, sir.

4   Q.   Africa?

5   A.   No, sir.

6   Q.   East Asia?

7   A.   No.

8   Q.   And why not?

9   A.   Did not pertain to anything we were doing in eastern

10   Baghdad.

11   Q.   Are you familiar with WGet?

12   A.   No, sir.

13   Q.   Let's talk about some of the issues that you had

14   with your computer when you were at FOB Hammer. During your

15   deployment explain what type of problems you had with the

16   computer at FOB Hammer?

17   A.   The computer used to crash on a regular basis or

18   operate really, really slowly to the point where it was

19   difficult to get any work done.

20   Q.   And how often did you have these computer problems?

21   A.   About twice a week.

1   Q.   So can you please explain to the court during those

2   two times per week you showed up for a shift change, what

3   happened?

4   A.   When I'd log on to the computer, it would run really

5   slow, wouldn't really load up anything that I was trying to

6   use to complete my work, and then sometimes it would just

7   completely crash.

8   Q.   And when did you notice these computer problems?

9   A.   It was right off the bat at the beginning of my

10   shift.

11   Q.   So what would you do when you had these computer

12   problems?

13   A.   I'd get Alan Millman and get him to work on the

14   machine.

15   Q.   And who was Mr. Millman?

16   A.   He was our DCGS FSR.

17   Q.   What would Mr. Millman do to fix the machines?

18   A.   He'd usually have to re-image the system.

19   Q.   After Mr. Millman worked on the computer, can you

20   describe how the computer operated?

21   A.   It would operate like brand new again.

1   Q.   How did it operate for the remainder of your shift?

2   A.   It would operate well.

3   Q.   What about the following day?

4   A.   It would slowly start to deteriorate.

5   Q.   How many times did Mr. Millman re-image your

6 computer?

7   A.   Probably about five times, sir.

8   Q.   And what was your understanding of why you were

9 having these computer problems?

10   MR. COOMBS: Objection, Your Honor. Calls for

11 hearsay.

12   THE COURT: Did this witness get his understanding

13 from somebody else?

14   MR. WHYTE: Yes, Your Honor.

15   THE COURT: What's the hearsay exception?

16   MR. WHYTE: It's actually not for the truth of the

17 matter asserted. It's effect on the listener, what Mr.

18 Madaras did in response to that.

19   THE COURT: And the question was again?

20   MR. WHYTE: The question was what was your

21 understanding as to why you were having these computer

1 problems.

2   THE COURT: Why don't you just ask him after you

3 understood why you were having the computer problems what did

4 you do next?

5 BY MR. WHYTE:

6   Q.   After you knew why you were having these computer

7 problems, what did you do next?

8   A.   I asked PFC Manning to try to remove some of the

9 unneeded documents off his desktop, and I also did so myself.

10   Q.   Did you look at PFC Manning's desktop?

11   A.   I couldn't see the desktop, but I could see the file

12 size.

13   Q.   And how would you describe the file size?

14   A.   It was very large.

15   Q.   What did you store on your desktop?

16   A.   I would store any project that I was currently

17 working on, so Power Points and any reports that I needed to

18 work on the project.

19   Q.   So what did you do to reduce your desktop size?

20   A.   Anything that was from previous project I was

21 working on I went ahead and deleted them, got rid of them.

1   Q.   So after you told PFC Manning to limit the amount on

2 his desktop, did you have problems after that?

3   A.   Yes, I still did.

4   Q.   How did your computer problems affect your ability

5 to work at FOB Hammer?

6   A.   It would take about two hours of my work schedule

7 for Alan to figure out what was wrong with it, and if he had

8 to re-image it it would take approximately two hours.

9   Q.   And how often did other 35 Foxes have problems with

10 their computers?

11   A.   Everybody had one about once throughout their entire

12 deployment.

13   Q.   Do you remember when you stopped sharing a computer

14 with PFC Manning?

15   A.   It was when I returned from the elections in March

16 of 2010.

17   MR. WHYTE: No further questions, Your Honor.

18   THE COURT: Proceed.

19   CROSS EXAMINATION

20 BY MR. COOMBS:

21   Q.   Mr. Madaras, you first met PFC Manning in 2008?

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 1        A.   Yes, sir.

 2        Q.   And this was out in the smoking area outside the

 3   barracks at Fort Drum?

 4        A.   Correct, sir.

 5        Q.   Based upon those times that you spoke with PFC

 6   Manning, you recall him being interested in U.S. politics?

 7        A.   Yes, sir.

 8        Q.   And the way he talked, you got the impression that

 9   he was interested in going into politics?

10        A.   Not that I can remember, sir.

11        Q.   Do you recall telling me that based upon the way he

12   talked you got the impression that he was interested in going

13   into politics?

14        A.   Yes, sir.

15        Q.   And during those times that you spoke with him, he

16   never said anything that gave you the impression that --

17             MR. FEIN:  Objection, Your Honor.  Hearsay.

18             THE COURT:  Yes.

19             MR. COOMBS:  I'm not asking for a response.  If I

20   could finish my question, and then I think the objection may

21   be appropriate to --
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 1          THE COURT:  What is the question?

 2          MR. COOMBS:  -- make it at that point.

 3          During the times you spoke with him, he never gave

 4  you the impression that he held any anti-American positions.

 5          THE COURT:  I'll allow that.  Go ahead.

 6          THE WITNESS:  No, sir.

 7  BY MR. COOMBS:

 8     Q.   Now, you and PFC Manning both went to JRTC in 2009?

 9     A.   Yes, sir.

10     Q.   And JRTC was the training that you received in

11  preparation for deployment to Iraq?

12     A.   Yes, sir.

13     Q.   And at JRTC the two of you worked opposite shifts?

14     A.   Correct, sir.

15     Q.   You worked the night shift?

16     A.   Yes, sir.

17     Q.   And PFC Manning worked the day shift?

18     A.   Yes, sir.

19     Q.   And at JRTC, PFC Manning was in charge of working on

20  the company's computers if there was any problems?

21     A.   I don't know if he was in charge of working on
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1 computers, sir, but he may have worked on computers, yes.

2   Q.   All right. Well, you know he worked on the

3 company's computers at JRTC?

4   A.   Yes, sir.

5   Q.   He unlocked some of the computer passwords for the

6 S2 section?

7   A.   Not that I remember at this time, sir. I don't

8 know.

9   Q.   Do you recall telling me that he unlocked --

10   A.   I don't remember.

11   Q.   Let me finish my question. Do you recall telling me

12 that he unlocked some of the computer passwords at the S2

13 section?

14   A.   I do not remember that, sir.

15   Q.   When you say you don't remember, are you saying I

16 don't remember now because my memory is failing, or I don't

17 remember because I don't think I ever said that to you?

18   A.   I don't remember it because memory is failing from

19 that long ago, sir.

20   Q.   Okay. Now, the times in which he was working on the

21 computers, did anyone to your memory go in and say, stop,

1 you're not permitted to do that?

2   A.   No, sir.

3   Q.   And he was very good at working on the computers,

4 correct?

5   A.   Yes, sir.

6   Q.   And what type of computers did you work off as an

7 analyst at JRTC?

8   A.   DCGS-A computers.

9   Q.   Now, in Iraq you also had DCGS-A computers, correct?

10   A.   Yes, sir.

11   Q.   And you're not really a computer guy, is that right?

12   A.   Correct.

13   Q.   You don't know much about computers beyond basically

14 the basic operating system?

15   A.   Correct, sir.

16   Q.   But you knew that PFC Manning would occasionally

17 work on the DCGS-A computers in Iraq?

18   A.   Possibly, sir.

19   Q.   Possibly meaning what? I'm sorry.

20   A.   It's possible that he did. I don't remember.

21   Q.   And I'm sorry to pin you down. Are you saying you

1   don't remember because so much time has gone by, or are you

2   saying you don't remember because you don't believe he ever

3   worked on the DCGS computers?

4   A.   So much time has gone by.

5   Q.   You don't recall that?

6   A.   I don't recall, yes.

7   Q.   Do you recall telling me that on the phone?

8   A.   No.

9   Q.   Do you recall telling me that you saw him go into

10 the operating system and try to make the computer run faster?

11   A.   No, sir.

12   Q.   You don't recall telling me that?

13   A.   No, sir.

14   Q.   We talked a little over now about two and a half

15 weeks ago. You don't recall telling me that at that point?

16   A.   I didn't talk to you about two and a half weeks ago,

17 sir.

18   Q.   When's the last time you recall?

19   A.   It was probably about two years ago before the

20 Article 32 hearing was the last time I recall talking to you.

21   Q.   That's the last time you recall talking to me?

 1   A.   Yes, sir.

 2   Q.   Okay. Do you recall telling me that you witnessed

 3 him go into the task manager and change what programs are

 4 running and how they started?

 5   A.   I'm not sure, sir.

 6   Q.   Not sure meaning you don't recall that?

 7   A.   I don't recall, sir.

 8   Q.   Okay. Do you recall telling me that you witnessed

 9 him help others with their DCGS-A computers?

10   A.   Yes, sir.

11   Q.   All right. And we'll talk about that in a moment,

12 but when he was helping others, no one stepped in and said,

13 hey, you can't do that, that's not permitted?

14   A.   Correct, sir.

15   Q.   Now, you said your computer would crash

16 occasionally?

17   A.   Yes, sir.

18   Q.   And sometimes I imagine when it crashed you lost

19 information?

20   A.   Yes, sir.

21   Q.   So would you agree with me that analysts were

1 encouraged to save information on the T drive?

2   A.   Yes, sir.

3   Q.   And the T drive was the shared drive that everyone

4 had access to?

5   A.   Yes, sir.

6   Q.   And analysts were also encouraged if they wanted to

7 save information on a CD?

8   A.   Yes, sir.

9   Q.   And, of course, because it was your computer, your

10 DCGS-A computer, you would save information on the desktop of

11 your computer were if you wanted?

12   A.   Yes, sir.

13   Q.   That was permitted?

14   A.   Yes, sir.

15   Q.   Now, I want to talk about some of the times you

16 witnessed others being helped by PFC Manning on the DCGS-A

17 computer, okay?

18   A.   Yes, sir.

19   Q.   Now, the first time -- well, actually one of the

20 times was dealing with mIRC chat, is that correct?

21   A.   Yes, sir.

1   Q.   And mIRC chat is one of those baseline programs that

2 you didn't have on your DCGS-A computer, right?

3   A.   Correct, sir.

4   Q.   But analysts needed mIRC chat to do their job?

5   A.   Correct.

6   Q.   And that's because you as an analyst in the S2

7 section would speak to others who were using mIRC chat?

8   A.   Correct.

9   Q.   So do you recall having PFC Manning set up mIRC chat

10 on your computer?

11   A.   Yes, sir.

12   Q.   And do you recall him doing that for others?

13   A.   Yes, sir.

14   Q.   And mIRC chat, when you did that, it was put on your

15 computer basically as something that you would double click

16 to start on the desktop?

17   A.   Yes, sir.

18   Q.   And you're sure PFC Manning did this and not Mr.

19 Millman?

20   A.   Yes, sir.

21   Q.   And when PFC Manning did this for you and others,

1   did anyone step in, to your memory, and say, hey, that's not

2   permitted?

3   A.   No, sir.

4   Q.   Now, at Fort Drum you attended DCGS training with

5   PFC Manning?

6   A.   Correct.

7   Q.   And do you recall who taught this training to you?

8   A.   I do not, sir.

9   Q.   Does MIT teams sound correct to you?

10   A.   Yes, sir, it would.

11   Q.   And do you recall what a MIT team was?

12   A.   No, I don't.

13   Q.   Did you ever receive any training on what you could

14 and could not add on the desktop of your DCGS-A computer?

15   A.   Not that I recall.

16   Q.   And just for the judge, I want to make sure it's not

17 that you recall, meaning I can't remember if we did, or I

18 don't remember we ever did receive that training?

19   A.   Yeah. I don't remember, sir.

20   Q.   All right. Did you ever receive any training

21 discussing what you could and could not place on your desktop

1 like mIRC chat, like an executable file?

2   A.   No, I do not.

3   Q.   And, again, is that you don't remember that, or you

4 don't believe you received that training?

5   A.   I don't believe we received that training.

6   Q.   Okay. And during the deployment did anyone say to

7 you that you could not put mIRC chat on your desktop as an

8 executable file?

9   A.   No, they did not.

10   Q.   Did you receive any training either at Fort Drum or

11 during the deployment on how you had to download information

12 from the SIPRNET?

13   A.   Not that I remember, sir.

14   Q.   Was there any formal guidance or statement to you

15 that you had to download information in one particular way,

16 like click, open, save?

17   A.   No.

18   Q.   Do you know what exporting with Excel is?

19   A.   Yes, sir.

20   Q.   And could you tell the judge what that is?

21   A.   You'd take a document and export it into Excel, is

```
 1   that the one you're --
 2        Q.   Yes.
 3        A.   And then it would make a sheet for you where it
 4   would list everything to like upload grid coordinates into an
 5   ARC map or something, for an example.
 6        Q.   And when you were exporting large documents, say if
 7   you were exporting a month of SigActs to Excel, did you have
 8   to click, open and save every one of the SigActs or would the
 9   Excel export it for you?
10        A.   The Excel would export it for us.
11        Q.   So it would do it in an automated fashion, correct?
12        A.   Yes, sir.
13        Q.   Did anyone tell you that that was improper, that
14   you're supposed to go and click, open and save and not use
15   the automated process?
16        A.   No.
17        Q.   And from your memory, was that permitted?
18        A.   Yes, sir.
19        Q.   Now, you were a part of the advance party for Bravo
20   company going to Iraq, is that right?
21        A.   Correct.
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1   Q.   And if I'm correct, you departed Fort Drum sometime

2   in October of 2009?

3   A.   Yes, sir.

4   Q.   And then you arrived at FOB Hammer around the 15th

5   of October?

6   A.   Yes, sir.

7   Q.   And when you arrived, you worked periodically in the

8   SCIF, is that right?

9   A.   Right.

10   Q.   You also had to support your company's operations?

11   A.   Correct.

12   Q.   So initially you did not work full-time in the SCIF?

13   A.   That's correct.

14   Q.   And when you were in the SCIF, you worked as an

15 intelligence analyst?

16   A.   Correct.

17   Q.   And I believe you said you were on the Shia threat

18 group?

19   A.   Yes, sir.

20   Q.   And obviously PFC Manning was also on that?

21   A.   Yes.

1   Q.   And at the start of the deployment you worked the

2 day shift?

3   A.   Yes.

4   Q.   And PFC Manning worked the night shift?

5   A.   Yes, sir.

6   Q.   Now, on the night shift PFC Manning had certain

7 tasks that he was, I guess had to complete, is that correct?

8   A.   Correct.

9   Q.   And he and the other night shift analysts were

10 tasked to complete and update what I believe was called a

11 commander's read book each night, is that right?

12   A.   Yes, that's correct.

13   Q.   And he also had to do a report slide that was due

14 every night?

15   A.   Yes.

16   Q.   And for the slide PFC Manning and others had to do

17 analysis?

18   A.   Correct.

19   Q.   And that slide was due every night at midnight?

20   A.   Yes, sir.

21   Q.   And these were products that he was required to

 1 complete?

 2   A.   That's correct.

 3   Q.   Now, at any point when you were working in the

 4 T-SCIF, did they put out any formal training on the rules and

 5 regulations of the SCIF?

 6   A.   Not that I recall, sir.

 7   Q.   So when, and again, when you say not that you

 8 recall, meaning they could have and I don't remember it, or I

 9 don't believe they ever did that?

10   A.   They could have and I don't remember it.

11   Q.   From your memory, did you ever see soldiers

12 listening to music in the SCIF?

13   A.   Yes.

14   Q.   And where was this music stored?

15   A.   It was stored on the T drive.

16   Q.   And that was a classified drive, correct?

17   A.   Correct.

18   Q.   Did you ever see the soldiers place that music on

19 their DCGS-A computers?

20   A.   I didn't see them place it on the DCGS-A computers,

21 no.

```
 1       Q.   Did you ever see the soldiers listening to the music

 2  on the DCGS-A computers?

 3       A.   Yes, sir.

 4       Q.   Did you ever see movies in the T-SCIF?

 5       A.   Yes.

 6       Q.   And did you ever see soldiers playing movies in the

 7  T-SCIF?

 8       A.   Yes, sir.

 9       Q.   Did you ever see video games Boeing played in the

10  T-SCIF?

11       A.   Yes, sir.

12       Q.   And were these being played on the DCGS-A computer?

13       A.   Yes, sir.

14       Q.   And to your knowledge, was anyone ever punished for

15  having movies, music or games in the T-SCIF?

16       A.   No.

17       Q.   And we talked about the fact that others had had

18  mIRC chat added on to their desktop computer, right?

19       A.   Yes.

20       Q.   Was anyone ever punished for having mIRC chat put on

21  their desktop?
```

1   A.   No.

2   Q.   Did anyone ever say that that was wrong?

3   A.   No.

4   MR. COOMBS: Thank you.

5   THE COURT: Redirect?

6   MR. WHYTE: Yes, ma'am.

7   REDIRECT EXAMINATION

8   BY MR. WHYTE:

9   Q.   Mr. Madaras, you said that PFC Manning helped other

10   soldiers with their DCGS machines?

11   A.   Yes.

12   Q.   How did he help the other soldiers?

13   A.   From all I can remember was helping with mIRC chat.

14   Q.   And why was he asked to help the soldiers?

15   A.   Because we needed mIRC chat so we could talk to

16   other unit at other FOBs.

17   Q.   So let's talk about mIRC chat. You said you had it

18   on your DCGS machine?

19   A.   Yes, sir.

20   Q.   Where was it located on your machine?

21   A.   Right off the desktop.

1   Q.   And who else had mIRC chat on their computer?

2   A.   Everybody did, sir.

3   Q.   In the S2 shop?

4   A.   Yes, sir.

5   Q.   What about outside?

6   A.   Anybody that worked in direct with us like current

7   ops all had mIRC chat.

8   Q.   Can you explain to the court what mIRC chat look

9   looks likes when you actually open it up?

10   A.   When you open it up there's a bunch of listings on

11   the left side of the screen that has all the different chat

12   groups in it. In the center it's a blank space so when you

13   click to it it opens it up so you can see that group, and at

14   the bottom is where you type in what you want to say.

15   Q.   And what type of information was communicated over

16   mIRC chat?

17   A.   Mainly SigActs that was currently happening before

18   they were actually published on the CPOF.

19   Q.   So why was this information communicated on the mIRC

20   chat?

21   A.   Because the sooner we would know about stuff, the

1   more effect we could have on the battle you could say.

2   Q.   You said that mIRC chat was stored on the T drive,

3   is that correct?

4   A.   Yes, sir.

5   Q.   Do you know when mIRC chat was put on the T drive?

6   A.   I don't. It was already on there from the previous

7   unit when we got in country.

8   Q.   And then the defense asked you about the Excel

9   export issue. Did CIDNE, the program itself, allow you to

10   export SigActs?

11   A.   Yes, sir, you could then port them directly into

12   Excel.

13   Q.   And also movies, music, games, that was also asked

14   by the defense. Do you know when that information was put on

15   the T drive?

16   A.   That was on the T drive from the previous unit.

17   MR. WHYTE: No further questions, Your Honor.

18   THE COURT: Go ahead.

19   MR. COOMBS: Just one follow-up.

20   RECROSS EXAMINATION

21   BY MR. COOMBS:

 1   Q.   The DCGS-A computer, did anyone besides intelligence

 2   analysts have DCGS computers?

 3   A.   I do not know, sir.

 4   Q.   Were DCGS-A computers computers that were part of

 5   what you did as intelligence analysts?

 6   A.   Yes, sir.

 7   Q.   Would a person who didn't have a job that dealt with

 8   intelligence analysts be working off a DCGS-A computer?

 9   A.   No, sir.

10   MR. COOMBS: Thank you.

11   THE COURT: Any last redirect?

12   THE WITNESS: No, ma'am.

13   THE COURT: Mr. Madaras, I have a few questions.

14   The DCGS-A computers that were down range, you testified

15   earlier there's a T drive and that T drive stored mIRC chat.

16   THE WITNESS: Yes, ma'am.

17   THE COURT: So the T drive was accessible to all

18   users, but were your individual user drives or your user

19   profiles accessible to your colleagues?

20   THE WITNESS: If we saved them on to the T drive

21   they were, ma'am.

```
 1          THE COURT:  So you said, you testified PFC Manning

 2  helped you install mIRC chat on your desktop.  Was that as a

 3  shortcut from the T drive?

 4          THE WITNESS:  That would be as a shortcut, ma'am,

 5  yes, from my understanding.

 6          THE COURT:  Was there a separate mIRC chat on your

 7  user profile as well?

 8          THE WITNESS:  I do not know.

 9          THE COURT:  When you used mIRC chat, where did you

10  use it from?

11          THE WITNESS:  Right off my desktop.

12          THE COURT:  You testified earlier that music, books

13  and games were already on the T drive from the previous unit.

14  Did any of the members of the SCIF, are you aware, did

15  anybody put new movies, games or videos on the T drive?

16          THE WITNESS:  Not that I know of, no.

17          THE COURT:  Do you know if there was any

18  authorization or prohibition from -- any authorizing to do

19  that, authorization to do that or prohibition against doing

20  that?

21          THE WITNESS:  No, ma'am, I do not know.
```

1   THE COURT: So there was basically silence on the

2   issue?

3   THE WITNESS: Correct.

4   THE COURT: Who supervised you?

5   THE WITNESS: Kyle Balonek did.

6   THE COURT: Would Mr. Balonek have been aware of

7   people watching these movies and playing these games on the T

8   drive.

9   THE WITNESS: Yes, I would believe so.

10   THE COURT: When you testified earlier that Mr.

11   Millman I believe his name was would come and help you fix

12   the computer problems that you had when you had them?

13   THE WITNESS: Yes.

14   THE COURT: Did -- and he would re-image them.

15   THE WITNESS: Yes, that's correct.

16   THE COURT: When someone re-images a computer, what

17   happens to the data that you have?

18   THE WITNESS: From my understanding it gets rid of

19   everything like starting fresh.

20   THE COURT: Were you ever in a situation where you

21   needed data from your computer before it was re-imaged?

1   THE WITNESS: Yes.

2   THE COURT: What did you do with that data?

3   THE WITNESS: We'd save it to a CD.

4   THE COURT: And what would you do with the. CD?

5   THE WITNESS: It would go into the computer again

6   once he was done re-imaging it and re-save all the files to

7   the computer that were needed, ma'am.

8   THE COURT: Now, when the computer is re-imaged,

9   does it strip data from the T drive, too?

10   THE WITNESS: No. The T drive was a completely

11   separate function.

12   THE COURT: So the re-imaging would just be for your

13   user profile?

14   THE WITNESS: Just for the computer, thinking that

15   was saved on that computer's hard drive.

16   THE COURT: So the T drive is a shared drive located

17   somewhere else?

18   THE WITNESS: Correct.

19   THE COURT: If the computers would go down

20   frequently, why would you not save everything on the T drive?

21   THE WITNESS: We usually tried to save most

 1   everything that we were working on on the T drive, ma'am.

 2   THE COURT: You testified earlier that you didn't do

 3   any searches of Europe and Iceland and all of the other areas

 4   that you talked about because it wasn't in your particular

 5   area of operations. What's your understanding of, say you

 6   had down time, instead of watching a movie, you wanted to see

 7   what was going on in the world, for example. What is your

 8   understanding of what the policy, if any, was with respect to

 9   you searching things that didn't have anything to do with

10   your AO?

11   THE WITNESS: I don't believe there was any

12   stipulation against doing so.

13   THE COURT: Any questions based on my --

14   MR. COOMBS: No, Your Honor.

15   MR. FEIN: No, Your Honor.

16   THE COURT: All right. Anything else for this

17   witness?

18   MR. WHYTE: No, ma'am.

19   THE COURT: All right. Please don't discuss your

20   testimony with anyone other than counsel and the accused

21   while the trial is still going on.

1   All right. Counsel, I'm looking at the time, I'm

2 also looking at stipulations of expected testimony that I

3 have here. Would this be a good time to go through the

4 stipulations of expected testimony with PFC Manning and then

5 break for a lunch, or would you rather break for lunch and

6 then go through it afterwards?

7   MR. FEIN: Ma'am, the United States recommends that

8 we break for lunch, for a two hour lunch recess because we

9 have more stipulations and then we can put them all together

10 at one time.

11   THE COURT: Any objection to that?

12   MR. COOMBS: No, ma'am.

13   THE COURT: Any. Court will reconvene at 1400 or

14 two o'clock.

15   (LUNCH RECESS)

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